

Transportation Government Reform Initiatives – State Code

Subject	Statute/Regulation	How Administered Today	Proposed Change	Justification for the Change
1. Idea Title: Building Official	§ 36-98.1	Currently, the Director of the Division of Engineering and Buildings is the Building Official for buildings and structures on state owned property. Certain authorities may either exercise Building Official authority or contract for Building Official services with the locality.	Request an exemption for our non-occupied buildings such as domes, chemical storage and the like.	This will expedite the construction of non-occupied buildings because at this time building permits are required.
2. Idea Title: Submittals to Department of Planning and Budget	Appropriation Act § 4-4.00	Currently, develop detailed project justifications for each individual project that is submitted for funding to DPB.	Request that our submittals to DPB not be project specific but be in categories of need.	VDOT spends an inordinate amount of time preparing documentation for projects that sit on the books for years. This change would allow VDOT to submit requests in a lump sum mode and then submit documentation when the project is ready to be constructed.
3. Idea Title: Eliminate Requirement to Advertise RFPs in Newspapers	§ 2.2-4301	The Code of Virginia requires VDOT to advertise consultant request for proposals (RFP) in one State-wide newspaper and one local newspaper as well as a minority paper if available. Since VDOT posts RFPs on VDOT's web site and on eVA's web site, the industry already knows of the RFP well before it even comes out in the newspapers.	Amend definition of "Competitive Negotiation" in § 2.2-4301 of the Public Procurement Act to eliminate advertising requirement as a part of this method of procurement; revise agency procurement procedures.	Transportation agencies would save costs to place advertising, which would in turn save time, because RFPs would not have to wait to be advertised prior to proceeding further.
4. Idea Title: CTB Contract Approval Threshold	§ 33.1-12(2)(a)	Currently, the Commonwealth Transportation Commissioner must obtain CTB approval to let contracts over \$2 million. This threshold also applies to locally administered projects.	Amend Code of Virginia § 33.1-12(2)(a) to: increase the limitation on the value of contracts that the Commonwealth Transportation Commissioner may let from \$2 million to \$5 million; allow the CTB to delegate more contract approval authority to the Commonwealth Transportation Commissioner; and ensure that the CTB approval threshold does not apply to locally administered projects.	These changes will enable VDOT and DRPT to award a larger number of contracts faster.

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5. Idea Title: CTB/Commissioner Concurrence in Local Contract Awards	§ 33.1-12(2)(a)	Chapter 919 of the 2005 Acts of Assembly changed the Code of Virginia to clarify the applicability of § 33.1-12(2)(a) to contracts to be administered by VDOT or DRPT. VDOT's interpretation has been that this did not change local delegation of authority for contract award.	Amend Code of Virginia § 33.1-12(2)(a) to clarify effect on local delegation of authority for contract award.	Would ensure that VDOT properly interprets how Code of Virginia § 33.1-12(2)(a) affects local delegation of authority for contract award.
6. Idea Title: Bonding Limits	§ 2.2-4336	Except for emergencies, § 2.2-4336 of the Code of Virginia requires bid bonds as a guarantee that if the contract is awarded to the bidder, he will enter into the contract for the work mentioned in the bid. This requirement applies to all bids or proposals for nontransportation-related construction contracts in excess of \$100,000 or transportation-related projects authorized under § 33.1-12 that are in excess of \$250,000 and partially or wholly funded by the Commonwealth.	Amend § 2.2-4336 of the Code of Virginia to raise bonding limits from \$250,000 to \$500,000.	Raising the limit from \$250,000 to \$500,000 would reduce the number of projects for which such bonds would need to be secured, leading to reduced costs for the bidder which could be reflected in the bids. This will enable more certified small companies to bid on transportation projects.
7. Idea Title: Amend Virginia Public Procurement Act to Promote Flexibility and Responsiveness in Procurement for Professional/Non-Professional Services	§ 2.2-4301 paragraphs 3.a and § 2.2-4347	Current requirements concerning interviews and short listing add excessive time to process (for example, it took the Environmental Division 14 months to procure a non-professional service). Instituting some sort of pre-qualification process as is used for highway contractors would eliminate many steps while providing the necessary rigor and protection to the process. Chapter 458 of the 2004 Acts of Assembly requires the Department to implement a contract term of one-year which may be renewable for two additional one-year terms and the sum of all projects in one contract term shall not exceed \$2 million. Prior to the legislation being passed the Department had the flexibility to award multi-year terms without a dollar cap.	Amend Code of Virginia and agency regulations and policies from Dept. of General Services (Agency Procurement and Surplus Property Manual) and VDOT's Administrative Services Division. Amend Code of Virginia §§ 2.2-4301(3)(a) and § 2.2-4347 and agency regulations and policies from Dept. of General Services and VDOT (Professional Services Manual).	VDOT would incur lower administrative costs and save time in procurement of services of this type. This would also reduce the number of procurements needed.

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8. Idea Title: Information Technology Procurement	§ 2.2-2012	VDOT and DRPT must obtain approval from VITA prior to purchasing IT equipment. For example, the purchase of an XRAY device for checking corrosion resistant reinforcing steel must get VITA approval.	Eliminate requirement to obtain VITA approval for purchasing equipment that has computer software. Work with VITA to reconsider VDOT's and DRPT's delegated IT procurement authority with respect to dollar value and possibly types of goods and services procured.	VDOT and DRPT would save time in procurement of such equipment.
9. Idea Title: Allow Price as a Criterion in Selection of Contracts for Architectural and Engineering Services	Chapter 11 of Title 40 U.S.C. § 2.2-4301(3)(a) of the Code of Virginia	Engineering and design services contracts directly related to construction projects and using federal highway funding must be awarded and negotiated pursuant to the "Brooks Act". 40 U.S.C. § 1103 (c) provides that agencies may evaluate current statements of qualifications and performance data and conduct discussions with at least three firms to compare alternative methods for furnishing services. 40 U.S.C. § 1103 (d) further provides that the agency shall select, in order of preference, at least three firms considered to be the most highly qualified to provide the services required. Price is not an allowable criterion in the evaluation and selection phases, and may not be discussed until a selection is made and negotiations are entered into. In addition, § 2.2-4301(3)(a) of the Code of Virginia provides that a professional services RFP may not request estimates of man-hours or cost for services.	Amend Chapter 11 of Title 40 U.S.C. to provide that price may be considered in evaluating and selecting contracts for architectural and engineering services. Amend § 2.2-4301(3)(a) of the Code of Virginia.	This change would enable VDOT and DRPT to consider pricing in selecting certain professional services, potentially reducing the length of negotiations and reducing costs.
10. Idea Title: Small Purchase Threshold	§§ 2.2-4303(G) and 2.2-1111 DGS/DPS Agency Procurement and Surplus Property Manual	Code sets forth the ability for a public body to establish small purchase procedures for purchases under \$50,000. Single quote limit set at \$5,000. Unsealed bidding limits set at over \$5,000 - \$50,000.	Change Small Purchase threshold from \$50,000 to \$100,000 with the following incremental changes: 1. Increase single quote limit from up to \$5,000 to up to \$10,000 2. Increase other unsealed bidding limits from over \$5,000 to \$50,000 to over \$10,000 to \$100,000	Saves staff time for purchases and increases the small business set-aside up to \$100,000.

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11. Idea Title: Value Engineering Requirement	§ 33.1-190.1	The current threshold established in § 33.1-190.1 of the Code of Virginia for value engineering is \$5 million. 23 U.S.C. § 106(e) establishes a threshold of \$25 million for value engineering. As such, there is a disconnect between state and federal code requirements for value engineering.	Amend § 33.1-190.1 of the Code of Virginia to parallel provisions of 23 U.S.C. § 106(e) and 23 CFR 627.	Provides consistency between federal and state requirements and a single threshold requirement for Value Engineering.
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13. Idea Title: Water Quality: Stormwater Utility Fees	§ 15.2-2114 4 VAC 50-60	Stormwater Utility fees are fees municipalities charge to property owners for the purposes of operating the municipalities' stormwater program (typically those municipalities within an Municipal Separate Storm Sewer Systems area). The fees are typically based on the property's zoning classification. The base fee is typically set for low density residential with other more dense classifications charged a multiple of the base rate based on percent imperviousness of the specific site compared to that of the low density residential. Properties, whose stormwater run-off is treated by an existing stormwater BMP (Best Management Practice) are typically exempt by the municipality from the fees. Current law specifically exempts right of way associated with VDOT roadway facilities, regardless of whether or not the facility is covered by an existing stormwater BMP. However, VDOT facilities (District/Residency complexes, area/maintenance headquarters, etc.) are not specifically exempted from such fees. Also, surplus property acquired by VDOT as a part of a highway project, but not a part of the roadway's right of way, is not specifically exempted from such fees. Some localities have begun assessing stormwater fees on all property owned by VDOT which is not a part of the roadway right of way. Action before the General Assembly (carried over to 2011) would remove or severely limit the exemption for roadway rights of way from such fees.	VDOT rights of way should remain exempt from stormwater utility fees. A means of limiting stormwater utility fees on other properties owned by VDOT should be investigated. SB 650, carried over to 2011, would need to be amended to preserve VDOT's waiver under Code of Virginia § 15.2-2114. State environmental agencies would need to amend their stormwater management regulations to ameliorate explicit impacts on VDOT and VDOT-owned property.	DCR's revised VSMP regulations (4 VAC 50-60) will increase the type and number of stormwater management facilities and practices required to mitigate impacts of increased stormwater runoff volumes and pollutant loads as a result of land development.

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14. Idea Title: Consolidate Commonwealth's Endangered Species Regulations Under Single Entity	Code of Virginia title 29.1, Chapter 5, 563-570; title 3.2, Chapter 10, 1000-1011 2 VAC 5-320 4 VAC 15-20-130	Currently, responsibility for this activity is distributed among the Depts. of Game and Inland Fisheries, Conservation and Recreation, and Agriculture and Consumer Services. Consolidation would simplify compliance, streamline promulgation and amendment of regulatory actions, and minimize confusion on the part of state agencies and the public.	Amend Code of Virginia title 29.1, Chapter 5, 563-570; Code of Virginia title 3.2, Chapter 10, 1000-1011; amend relevant state agency regulations from departments sharing authority (e.g., 2 VAC 5-320 (A&CS), 4 VAC 15-20-130 (G&IF); although not explicitly listed in the Virginia Administrative Code, one of DCR's functions is to "provide recommendations to the Department of Agriculture and Consumer Services and to the Department of Game and Inland Fisheries concerning their regulatory activities related to endangered species".	VDOT would incur lower administrative costs from having a single entity responsible for all endangered species regulations, since separate state agency practices and procedures would be consolidated; this recommendation would also minimize confusion over which agency is responsible for a given regulation.
15. Idea Title: Urban Six-Year Improvement Program	§ 33.1-23.3	VDOT solicits priorities for project funding from the urban municipalities. VDOT programs available funding to projects based on the municipalities' priority list. The Urban SYIP is approved by the CTB.	Amend § 33.1-23.3 of the Code of Virginia to place responsibility for the development of the Urban Six-Year Improvement Program on the municipalities, jointly with VDOT, rather than with the CTB, to parallel the procedure for the Secondary Six-Year Plans that are developed between the counties and their local residencies.	This modification would serve as further recognition that the Urban System is a locally driven system for maintenance, operation, and construction and would extend such recognition to the programming process.
16. Idea Title: Urban Construction Initiative (timeframe to join)	§ 33.1-23.3(D)	Section § 33.1-23.3(D) of the Code of Virginia requires a municipality to communicate to VDOT their interest in joining the initiative by July 1 of the current year for inclusion by July 1 of the following year. Now that processes have been established to streamline the transition, the Code should be updated to eliminate this 1-year process requirement.	Amend § 33.1-23.3(D) of the Code of Virginia to require cities to notify VDOT of their interest in joining the Urban Construction Initiative by December 31st for inclusion in the program by July 1st of the following year.	This would result in more flexibility in regards to the addition of new cities/towns to the Urban Construction Initiative each fiscal year.

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17. Idea Title: Location Approvals on the Urban System	§ 33.1-12(1)	Location approvals on the urban system are now taken to the CTB for approval. Our interpretation of § 33.1-12(1) of the Code of Virginia is that since these routes are not part of the State Highway System, CTB location approval is not required. The AG's office did not concur in this interpretation. The Code should be clarified to limit CTB location approvals to VDOT's system and exclude the locally maintained system.	Amend § 33.1-12(1) of the Code of Virginia to limit CTB location approvals to VDOT's system and exclude the locally maintained system.	This would facilitate route location approvals on the urban system by eliminating the requirement for CTB approvals.
18. Idea Title: Rural Rustic Road Projects	§ 33.1-70.1	The Rural Rustic Road Program was developed by Chapter 414 of the 2002 Acts of Assembly as a means to pave Virginia's low volume unpaved roads in a more cost effective manner. Under the Rural Rustic Road Program approach, no specific design criteria has to be met and the focus is on getting as many of the existing unpaved roads paved within our limited resources. The projects often involve no plans, minimal reshaping of the roadbed, cleaning ditches and applying a hard surface within existing right of way which has provided the cost savings. The program has been very successful and through 2009 over 570 unpaved roads have been paved using this more flexible concept at an estimated cost savings over \$180M when compared to traditional improvement methods. Section 33.1-70.1 of the Code of Virginia currently exempts specific design standards but not storm water management regulations. Recent interpretations by the Department of Conservation and Recreation that these projects meet the definition of land disturbing activities have prompted additional engineering reviews that are increasing the costs of these projects. Paving these unpaved roads has an ultimate positive impact on storm water runoff but having to address these regulations is increasing costs thereby reducing the number of projects that can be accomplished. While unpaved road allocations have been eliminated this year, there are many unpaved road projects in the pipeline impacted by having to meet the storm water management regulations.	Amend Code of Virginia § 33.1-70.1 to state that roads built under the Rural Rustic Road concept are not considered land disturbing activities.	This change will reduce costs for Rural Rustic Road projects by eliminating the need for VDOT to conduct additional engineering reviews to address DCR storm water management regulations.

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19. Idea Title: Public-Private Partnerships	Transportation Partnership Opportunity Fund (Chapter 847 of the 2005 Acts of Assembly and Code of Virginia § 33.1-221.1:8)	TPOF funds are awarded by the Governor as grants, revolving loans, or other financing tools. The criteria used in awarding grants or making loans shall include incentives to encourage matching funds from any other local, federal or private source.	Amend TPOF legislation to expand commitments to the PPTA Incentive Fund and dedicate significant funds to match the private investment.	This initiative was proposed in the Governor's Transportation Plan. This change would provide additional incentives for the private sector to invest in PPTA projects, enable more PPTA projects to get underway, and make toll rates more reasonable.
20. Idea Title: Establish Alternate Shifts for Certain Employees		Currently, the authority to apply a 12-hour shift schedule is only available to State Police, emergency/medical/health personnel, and state correctional facilities.	Amend the Code of Virginia and DHRM policy to enable VDOT to implement alternate shifts for certain VDOT employees (for example, 12-hour shifts for tunnel operations employees).	Such a change would result in staff reductions, thus reducing salaries and benefits costs.
21. Idea Title: Allow every Governor's Administration an opportunity to provide input into the Statewide Transportation Plan (VTrans) by requiring the Plan to be revised at least once every four years (currently five years) at the middle of each term.	§ 33.1-23.03	The current statute requires the Statewide Transportation Plan to be revised at least once every five years.	This would not require a change in law, as Code of Virginia § 33.1-23.03 enables the plan to be updated more frequently than every five years. However, requiring the Statewide Transportation Plan to be updated no less than once every four years at the middle of each term via a Code change would help ensure that it happens.	This would ensure every Governor's Administration an opportunity to provide revisions to the Statewide Transportation Plan.

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22. Idea Title: Emergency Paving of Unpaved Secondary Roads	§ 33.1-70.2	Section 33.1-70.2 of the Code of Virginia requires the Commissioner to provide notice to a county that VDOT wants to pave a road due to an emergency. This would normally occur as a result of a flood that washed out the road. The current legislation requires that a public hearing is held before the Board of Supervisors provides a recommendation to the Commissioner within 30 days. At a minimum, VDOT would recommend public hearing be replaced with public meeting which has less stringent requirements.	Amend Code of Virginia § 33.1-70.2 to require a public meeting be held, rather than a public hearing, when VDOT wants to pave a road due to an emergency.	VDOT would have to meet less stringent requirements for a public meeting than it would for a public hearing, thereby enabling VDOT to more efficiently respond to the need for road paving in the event of an emergency.
23. Idea Title: Single Reporting Requirement	New legislation required.	Currently, VDOT prepares a few annual and biennial reports. -Each year the Appropriation Act includes an item requiring VDOT to submit a report by July 1 st of each year on the cash balances of the Route 58 Corridor Development Fund. -By November 30 th of each year the Commissioner is required to report on all actions and initiatives of VDOT in the preceding fiscal year that involved outsourcing, privatization, and downsizing. -By September 15 th of each odd-numbered year, VDOT shall report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology. -Requires the Commissioner to report on the current status of all highway construction projects in the Commonwealth four times each year. Dashboard and SYIP websites meet the requirement for this report.	For each agency of the Office of Transportation, only one report, due to the Governor and General Assembly by November 30 th of each year, should be required. Such report should not include those required by § 33.1-12 of the Code of Virginia but notwithstanding any other provision of general or special law, could include all other required reports. Each report should be transmitted by the Secretary of Transportation, upon his review.	This would streamline VDOT's multiple reporting requirements.

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24. Idea Title: Maintenance Activities at Rest Areas – Use of Inmate Labor	§§ 53.1-56 and 53.1-57	<p>§§ 53.1-56 and 53.1-57 allows persons sentenced to the Department of Corrections be employed in the construction and maintenance of the primary and secondary systems of state highways.</p> <p>§ 33.1-12.2 allows the VDOT Commissioner to establish a program whereby persons convicted of nonviolent misdemeanors who have received a suspended sentence or probation can fulfill their community service requirements by mowing rights-of-way and performing other landscaping maintenance tasks for roads and highways that the Department has the responsibility to maintain.</p>	<p>Amend §§ 53.1-56, 53.1-57 and 33.1-12.2 to authorize the use of inmate labor at rest areas along the Interstate highway system.</p> <p>VDOT would enter into agreements with local jails and regional jail authorities to provide for inmate labor, administered by the private sector vendor(s) responsible for rest areas.</p>	VDOT would incur lower costs to maintain rest areas through the use of inmate labor.
25. Idea Title: Increase Property Appraisal Waiver Amount	§ 25.1-417(2)	49 CFR 24.102(c)(2)(ii) permits agencies to increase the low-value amount for appraisal waivers up to \$25,000 provided the Federal funding agency approves and the acquiring agency agrees to provide the owner the option to request an appraisal. Section 25.1-417(2) of the Code of Virginia provides that an appraisal must be conducted before the initiation of negotiations; however, the appraisal requirement does not apply if it is determined that the value of the property being acquired is less than \$10,000, based on assessment records or other objective evidence. This amount should be increased to \$25,000, consistent with federal regulations.	Amend § 25.1-417(2) of the Code of Virginia to increase the maximum limit on waiver of appraisal to \$25,000.	This change would reduce required staff time and formal appraisal costs.

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26. Idea Title: Establish Fee and Deadline for Mortgage and Lien Releases	Title 25 of the Code of Virginia	Most right of way acquisitions for VDOT are partial acquisitions that require a partial release of mortgages and liens to finalize closings. In addition, some new mortgages vest the mortgage holder with a right to eminent domain proceeds, which delay finalizing those proceedings and cost VDOT additional legal expenses. Mortgage companies often require the payment of arbitrary fees in order to process these releases and sometimes insist on more than their proportionate share. They also have no time constraints or deadlines to process releases. Title 25 of the Code of Virginia should be amended to require mortgage companies or lienholders to provide required release documents in response to a government acquisition for public purposes within 21 days of the request, set a reasonable maximum fee (\$300), and accept a share of proceeds proportionate to the equity interest, unless otherwise agreed to by the landowner.	Amend Title 25 of the Code of Virginia to require mortgage companies or lien holders to provide required release documents in response to a government acquisition for public purposes within 21 days of the request, set a reasonable maximum fee (\$300), and accept a share of proceeds proportionate to the equity interest, unless otherwise agreed to by the landowner.	These changes would reduce the amount of time required to complete a mortgage or lien release, establish reasonable fees for releases, resulting in decreased costs to VDOT.
27. Idea Title: Eliminate Surplus Declaration for Excess Right of Way	§§ 33.1-149 and 33.1-154	Excess right of way should be defined as property that is no longer needed as a result of a VDOT improvement project which relocates or adjusts the transportation facility, subject to the Chief Engineer's approved design. Actual requirements are always determined during the project design.	Amend the Code of Virginia to eliminate the requirement that the CTB must declare excess right of way as surplus before VDOT may sell the land.	This change would reduce the amount of time required to sell excess right of way/surplus and reduce costs.
28. Idea Title: Establish Free Access to Digital Land Records	§ 17.1-276	Most clerks have digital land records that can be accessed remotely through the Internet, allowing efficiencies in research for right of way acquisition. § 17.1-276 of the Code authorizes clerks' offices to charge a fee to cover operational expenses of electronic access in an amount not to exceed \$50 per month. This section exempts the OAG's Division of Debt Collection from any such fee. Some clerks' offices charge government agencies the same amount as private parties (\$600 annually) to access these records.	Amend § 17.1-276 of the Code of Virginia to provide VDOT and DRPT free access to digital land records through the Internet.	This change would reduce VDOT's and DRPT's costs to research right of way acquisitions.

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29. Idea Title: Dedication and Enforcement Guarantees	§ 15.2-2299	Section 15.2-2299 of the Code of Virginia provides that the zoning administrator of a locality may enforce dedication and other provisions of an agreed upon previous zoning or special use condition on a project, including dedicating right of way for a proposed improvement at no cost. Some zoning administrators will not enforce those provisions to the benefit of the proposed public project.	Amend § 15.2-2299 of the Code of Virginia to provide the Commonwealth Transportation Commissioner the authority to demand compliance with conditions.	This change would reduce right of way costs.
30. Idea Title: Negotiated Sale of Developable Residue Property	§ 33.1-90 24 VAC 30-540-20	Currently, VDOT must first exhaust the sealed bid process before participating in a negotiated sale. This sometime prevents VDOT from receiving the maximum value from the residue property.	Amend the Code of Virginia to allow VDOT to sell independently developable residual property by a non-sealed bid sale when the site is a part of an economic development initiative proposed by a locality or another state agency.	This change would expedite negotiated sale processes and assist in receiving maximum value from residue property sales.
31. Idea Title: Using Postal Service for Property Owner Notification Prior to Entering Land for Transportation Work	§ 33.1-94	Section 33.1-94 of the Code of Virginia allows officers or agents of the VDOT and DRPT to enter any land in the Commonwealth in conjunction with highway or transportation work. However, at least 15 days prior to the first date of proposed entry, VDOT must send notices to each owner by certified mail. According to OAG interpretation of the statute, each discipline (surveyors, environmental staff, etc.) must send its own letter. The total estimated statewide postage costs for VDOT pursuant to this statutory requirement since 2007 is \$150,935.10 (approximately \$50,311.70 annually).	Amend Code of Virginia § 33.1-94 to allow VDOT and DRPT to notify a property owner using normal postal service, not certified mail service, at least 15 days prior to entering any land in the Commonwealth for highway or transportation work.	VDOT and DRPT will incur lower administrative costs to comply with the statute.

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32. Idea Title: Provide Tax Credits to Employers for Expenses Incurred in Allowing Employees to Telework	New legislation required	N/A	Grant a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement. The credit will equal 100 percent of the cost of the initial set-up to enable teleworking, and a percentage of the credits will be reserved for employers who hire teleworkers in localities that have higher unemployment rates.	This initiative was proposed in the Governor's Transportation Plan. This would relieve road congestion by providing incentives to employers to expand the use of telework.

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33. Idea Title: Preservation of Critical Rail Infrastructure	§ 58.1-3201, § 58.1-2653 , and §33.1-391.5 (Amend)	The Code requires Dept of Taxation to perform an annual assessment at 100% fare market value of all operating railroad property, and the railroads must report all operating and non-operating property.	Amend tax Code for railroad operating property to allow sections of track that have been taken out of service for abandonment, but remain a future potential operating asset that would benefit the public, to be tax exempt. The Department of Rail and Public Transportation could assume a leadership role in the identification and approval of the identified rail sections or lines, and DRPT could have the authority enacted to negotiate passenger benefits in return for the tax incentive to the railroad.	Preservation of critical transportation infrastructure – rail corridors: In Virginia, railroads have rationalized their operating infrastructure due in part for a reduction of taxed operating infrastructure. Sweeping changes in rail transportation's intermodal freight and intercity passenger rail and prior rationalized main line capacity is now being rebuilt. From this activity, it has been found that a tax incentive for a railroad to willingly preserve corridor capacity not needed for current railroad operations for future public use/benefit could assist in reducing further rationalization of the VA rail network and save future funding need to re-lay or redevelop rail corridors that exist in place today.

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34. Idea Title: Shortline Rail Program Match Reduction	§ 33.1-221.1:1.2.E. (Amend)	Code Section § 33.1-221.1:1.2.E. requires a minimum of 30% cash or in-kind matching contribution for projects.	Amend § 33.1-221.1:1.2.E. to reduce the minimum level of cash or in-kind matching contribution for projects from 30% to 20%.	Improve use of program: Due to the reduction of commerce and trade following the downturn of the economy, shortlines are challenged to generate the 30% matching requirement for program funds. Reducing the minimum match requirement will provide a better distribution of funding to shortlines with limited cash resources.
35. Idea Title: Rail Intermodal Freight Incentive Fund	§ 62.1-132.3:1 (Create)	Current law does not provide an incentive to divert short haul truck traffic from Virginia roads to rail.	Create a Code section to establish an Intermodal Container Rail Freight and Container Barge Freight Trade Incentive Fund for intrastate container truck to rail moves.	Remove trucks from Virginia roads to Rail: Virginia has invested in inland and marine side rail facilities to allow for the movement of maritime container freight by rail. Due to the logistics at the end to end port terminals, shipper costs by truck vs. rail on short haul movements is non-competitive. This fund would allow for the Virginia Port Authority to develop a container by rail shipping incentive program to offset the cost of end to end terminal container handling costs, thus creating an incentive for shippers to reduce the number of trucks on the Commonwealth's highways.

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<p>36. Idea Title: Authority for DMV weigh technicians to (1) issue overweight and oversize vehicle citations and (2) issue commercial motor vehicle credential violations. Authority for law enforcement and DMV weigh technicians to hold vehicles for outstanding taxes and debts owed the Commonwealth.</p> <p>Motor Carrier</p>	Title 46.2, Chapter 10, Article 17	<p>DMV personnel operate the weight enforcement facilities and equipment; weigh vehicles to identify violations; and handle collections and appeals functions.</p> <p>Virginia State Police (VSP) personnel issue the actual overweight/oversize citation as well as credential violations. They also have the authority to hold a vehicle for outstanding liquidated damages, which has proven to be an effective means of collection. Law enforcement does not currently have the authority to hold a vehicle for other outstanding taxes or fees.</p> <p>However, at times VSP personnel are not available to write citations, issue credential violations, or authorize holding a vehicle due to staffing limitations or other situations arising in the course of duty. In such instances, violations cannot be written and vehicles continue traveling instead of being held.</p>	<p><u>Preferred Approach:</u> Shift size, weight and commercial motor vehicle credential enforcement from VSP to DMV for the fixed weigh stations. VSP would continue to provide enforcement for the mobile units.</p> <p><u>Alternative Approach:</u> Authorize DMV weigh technicians to write overweight/oversize citations and credential violations as a backup to VSP personnel.</p> <p>Note that Arizona law authorizes a police officer or a "peace officer" to weigh the vehicles implies they write citations. The statutes define a peace officer as any person so designated by the director of public safety.</p> <p>Additionally, authorize law enforcement personnel and DMV weigh technicians to hold a vehicle for outstanding fees and taxes due the Commonwealth.</p>	<p><u>Improve efficiency and raise revenue:</u> More efficient use of resources. Potential to enhance focus on credential compliance and revenue collection. DMV would have control of resources to ensure citations are written or vehicles are held. As VSP struggles with budget and resource limitations, the number of unwritten overweight/oversize citations may increase as troopers and Commercial Vehicle Enforcement Officers are pulled for other duties. For instance, in December 2009, 70 citations for \$12,681 were not written due to the absence of a law enforcement officer; in January 2010, 19 citations for \$3,351 were not written and in February 2010, 27 citations for \$8,794 were not written. (Note: This information is for fixed stations only.)</p> <p><u>Promote business in Virginia:</u> Levels the playing field for legitimate, law-abiding, tax-paying businesses.</p> <p>NOTE: This will need to be confirmed with the General District Courts forms committee.</p>
<p>37. Idea Title: Authority to use streets/highways in certain localities</p> <p>Motor Carrier</p>	§ 46.2-1140	Currently, DMV is authorized issue an oversize/overweight permit in coordination with local authorities, which will allow transit over specified highways within the locality that are extensions of any part of the primary highway system.	Amend the Code so that DMV need only notify the localities, rather than coordinate with them concerning such issuance of permits.	<u>Promote Business:</u> This proposal would facilitate the free flow of commerce throughout the Commonwealth.

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38. Idea Title: Vehicle registration fees; refunds Vehicle	§ 46.2-688	License plates surrendered with a registration period of 6 months or greater are subject to a prorated refund. (Refund does not include the following fees: state inspection, emergency medical services, emissions inspection and one-time special plate).	Amend § 46.2-688 to remove the provision that allows for registration refunds for partial years. This would not apply to heavy trucks and DMV would continue to refund full year registrations that are associated with customers who complete multi year transactions.	<u>Improve efficiency:</u> Is consistent with driver's license code, annual vehicle inspections, etc., in that a partial refund is not allowed. Less complicated since many of the state fees collected in conjunction with the DMV and VDOT fees are not refunded (DMV, EMS, and VSP). <u>Reduce costs:</u> This would result in an annual savings of \$2.1 million, 80% of which would go to VDOT. Additionally, since approximately 260,000 fewer checks will have to be written, there will be a savings for the Department of Treasury from a lower check volume. It would not significantly affect DMV's administrative or processing costs.
39. Idea Title: Late fee for vehicle registration renewal Vehicle	§ 46.2-214.3, 46.2-221.4, 46.-647, 46.2-694	There is currently no incentive to renew on time other than the possibility of being cited for expired registration. § 46.2-647 allows the Commissioner to set a grace period of 15 days, and § 46.2-221.4 allows a 90-day grace period for active duty military personnel stationed outside the United States. Note: Determination needs to be made if late fee will apply only to certain vehicles (such as passenger cars and trucks).	Impose a \$10 late fee for any vehicle registration renewal made after the expiration of the registration.	<u>Raise revenue:</u> DMV recently evaluated the number of late renewals of vehicle registrations. Late renewals delay the deposit of revenue, most of which goes to VDOT. If a \$10 late fee were assessed on in person renewals at our Customer Service Centers and DMV Selects, DMV could generate some money for other priorities and potentially change customer behavior to encourage on time payment of fees. This could be accomplished by inserting budget bill language such as "Notwithstanding all other provisions of law, the Commissioner shall charge a late fee on vehicle renewals conducted in person at a Customer Service Center or DMV Select office. Not later than June 30 each year, the Comptroller shall transfer \$3.0 million from the Motor Vehicle Special Fund to the (General

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				Fund or HMOF?)" This language would guarantee a fixed amount for the transfer, and could generate a small amount for DMV to retain to cover the costs of implementing. Predicting customer behavior can be very difficult. Assuming a similar effect from the \$5 in person fee for vehicle renewals, the total generated could be assumed to be \$3.5 million in the first year, of course it would taper off over time as more people began to pay on time.
40. Idea Title: Driver licensing; supplemental reinstatement fees Driver	§ 46.2-411	One reinstatement fee is paid regardless of the number of orders on the record. Each order, however, requires updating to post compliance items.	Amend § 46.2-411 to allow for the collection of a \$10 processing fee for each second and subsequent order of suspension or revocation that is in effect at the time of reinstatement.	Raise revenue: Currently, approximately 82,000 customers who have multiple orders are reinstated annually. DMV charges one reinstatement fee even though these customers have multiple orders of suspension. If DMV charged an additional \$10 for customers who require reinstatement from multiple orders, DMV could generate \$820,000 annually. (Note: this proposal could also be presented in a special session on transportation.)
41. Idea Title: Privatize behind-the wheel driver's education; DMV to regulate Driver	§§ 22.1-205; 46.2-332, -335, and -1700 through -1707; 58.1-2403	DMV licenses/regulates commercial driver training schools that provide both classroom and behind-the-wheel (btw) training. The Dept of Education (DOE) oversees both classroom and btw training for the public and private school system DOE is responsible for development of the curriculum. All driving schools use the same curriculum. The \$3 learner's permit fee and \$1.50	Privatize the btw component of DE. DMV would be responsible for licensure/regulation of all btw schools. DOE would continue to be responsible for curriculum development. Classroom component would continue to be offered in the public/private school system. Transfer a portion of the learner's permit/driver's license from DOE to DMV for administration of the program.	<u>Improve efficiency:</u> Privatizing this function would be one less program for DOE to manage, which has seen reductions in personnel. Many of the localities are dropping btw because of the associated costs. <u>Create jobs:</u> Employment opportunities for the private sector.

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		<p>from each original/renewal license are transferred to DOE for DE.</p> <p>Some localities have chosen to drop btw from their program</p> <p>Approximately 50% of the btw courses are taught by private schools</p> <p>The average cost to a student of DE taught by a private school is \$150-275 for btw only, \$150-250 for classroom only, and \$200-300 for both (adults may pay \$50-100 more). For a public school, classroom education is free, while btw costs range from \$0 to \$250, depending on the school division.</p>	<p>A 2-year delayed enactment would be needed in order to establish enough schools around the state to accommodate all students.</p>	
<p>42. Idea Title: Deregulate Public Convenience and Necessity for For-Hire Contract Passenger Carriers, Irregular Route Common Carriers, and Household Goods Carriers</p> <p>Motor Carrier</p>	Title 46.2, Chapter 20	<p>DMV licenses and regulates for-hire intrastate passenger carriers and household goods carriers. Regulatory requirements include insurance, fitness, and public convenience and necessity, depending upon the type of operating authority.</p>	<p>Eliminate the requirement for for-hire contract passenger carriers, irregular route common carriers, and household goods carriers to prove public convenience and necessity which serves no public safety or consumer protection value.</p> <p>DMV will continue to regulate carriers for fitness and insurance.</p>	<p><u>Promote business in Virginia:</u> Create level playing field to reduce complaints about illegal operators.</p> <p><u>Improve efficiency:</u> This proposal would result in saving one FTE at a pay band 4 (annual savings of \$66,805 in payroll and benefits).</p>
<p>43. Idea Title: Acceptance of federal safety inspection in lieu of Virginia inspection</p> <p>Motor Carrier</p>	§ 46.2-1157	<p>Vehicles registered in Virginia are required to obtain a Virginia safety inspection.</p>	<p>Modify the statute to allow a federal inspection to be accepted in lieu of a Virginia inspection for trucks not garaged in Virginia.</p>	<p><u>Promote business in Virginia:</u> Would encourage more businesses to title and register their vehicles in Virginia.</p> <p><u>Raise revenue:</u> Would generate net additional title and registration revenues of about \$9,400 per year. Potentially, additional UCRA revenues from other carriers who decide to register their fleets in Virginia.</p>

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<p>44. Idea Title: Vehicle registration; renewal tied to annual safety inspection</p> <p>Vehicle</p>	§ 46.2-646; Title 46.2, Chapter 10, Article 21	Annual safety inspections are required. The registration of any vehicle that fails a safety inspection is blocked.	Amend the Code so that DMV may block the renewal of any vehicle that has not had a safety inspection within the previous 12 months. Such a block could only be placed on a vehicle for which there is an electronic record of its inspection. Most inspections are processed on paper. Accordingly, the statutory authorization would need to be tailored (i) to ensure that registrations would only be blocked for vehicles registered in places where electronic safety inspection records are available (initially, just those localities in northern Virginia that require emissions testing), and (ii) to provide additional revenue to VSP to create a system for producing electronic records of safety inspections (e.g., by imposing an additional fee on registrations, comparable in form to those imposed by §§ 46.2-1168 and -1182.1).	<p><u>Improve efficiency:</u> Electronic records would facilitate administration of the safety inspection program, as well as make important vehicle information more easily accessible to law enforcement, DMV, and other agencies. Having such records would also make it possible for DMV to improve customer service by synchronizing safety inspections with registration renewals. The agency could send out renewal notices for both services in a single communication, and customers could determine, at or prior to renewal, whether DMV had received a record of a vehicle's safety inspection. The proposal would also improve public safety by enhancing DMV's ability to enforce safety inspection requirements. NC has implemented a similar concept:</p> <ul style="list-style-type: none"> • NC vehicle safety and emissions inspections went electronic in November 2008. Windshield stickers are no longer issued. • Inspections are synchronized to vehicle owners' ability to renew their registration. • Owner cannot renew registration until after vehicle has passed its safety and/or emissions inspection. • The vehicle's inspection will become due the same month as the vehicle's registration renewal. The "month" sticker on the license plate indicates the month in which the vehicle should be inspected,

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				<p>then renewed.</p> <ul style="list-style-type: none"> • Expectation is that inspection compliance to increase to 97 percent, up about five percent. • A record of the vehicle's inspection is entered into DMV's vehicle registration database. DMV license tag agencies and law enforcement personnel use this database to look up information about a vehicle, such as its license tag number and registration information. The database is updated anytime an inspection occurs.
<p>45. Idea Title: Business license plates</p> <p>Vehicle</p>	Title 46.2, Chapter 6, Article 10 or Section 1 of the Acts of Assembly	DMV does not currently offer this type of license plate.	Secure authorization from the General Assembly for the issuance of license plates with business logos. The authorization would be similar in nature to the college license plate statute (§ 46.2-749), in that it would lay out specific criteria for businesses to meet in order to be eligible for the plates, but would not require separate authorizations for each plate type issued; DMV would be able to issue plates as eligible businesses apply. The fee structure for these plates likely would be different from other special license plates in order to be attractive to businesses. DMV is already studying the best approach to take for these plates.	<u>Promote Business in Virginia</u> : Would offer an additional, and affordable, advertising option for businesses with company-owned vehicles.
46. Idea Title: Renewal notices; default means of issuing	§ 46.2-330(B)	Notice of the expiration of a driver's license is sent by mail to the licensee within one year prior to the expiration date.	Amend Code to redefine address broadly so that it includes e-mail address. By default, use Constant Contact or	<u>Raise revenue</u> . DMV would raise fees for those electing renewal notices by mail. If half of current customers elected to receive renewal notices by

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Driver			similar e-mail marketing service and/or robo calls to send renewal notices. Customers who want a renewal notice by regular mail would have to pay the cost of the service (\$0.50).	mail, the agency would get approximately \$2.8 million in fees to cover the costs of mailing those customers' next renewal notices. <u>Reduce costs:</u> Would reduce issuance of renewal notices by mail. Based on current customer base, the savings would be up to \$800,000 per year.
47. Idea Title: Automatic payment process for DMV customers Driver/Vehicle	Various sections of Title 46.2	Customers must take steps to pay fees for each individual transaction.	Give customers the opportunity to put a credit card number or ACH bank draft information on file, which could be used to automatically pay for annual vehicle registration, DL renewal (if it can be accomplished without coming in to DMV), salvage inspection fees, liquidated damages, and any type of transaction with DMV involving payment. It could also eliminate a license or vehicle registration being suspended solely because of non-payment of fees such as tolls. This process would allow DMV to bill the customer's credit card or ACH account directly and notify the customer of the billing and payment.	<u>Improved efficiency:</u> Would enhance customer service and convenience. <u>Raise revenue:</u> Would accelerate fee income. <u>Reduce costs:</u> Would reduce incidences of suspension and reinstatement, thus reducing agency's administrative costs. NOTE: This proposal would require substantial IT investments. In addition, the agency would have to comply with all security requirements related to retention of credit card information. DMV would be unable to implement this proposal within the next several years. It will be dependent on first implementing DMV's new mainframe customer database (CSI), and then it would be phased in by transaction types. DMV seeks permissive statutory language so that the proposal can be implemented in the future.
48. Idea Title: Electronic overweight citations Motor Carrier	Title 46.2, Chapter 10, Article 17	Paper overweight citations are issued and in the event a citation is contested a paper copy of the citation is provided to the law enforcement officer and the original paper citation is provided to the court.	Amend Code to allow, where technologically feasible, an electronic citation to be issued to include transmission to the courts of an electronic citation record for contested citations.	<u>Reduce costs:</u> Although the proposal would reduce administrative costs, it would require considerable systems development. DMV could implement this in conjunction with CSI. Improve efficiency.

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49. Idea Title: Motor vehicle rental tax; Department of Taxation to administer Vehicle	§ 58.1-2400 et seq.	DMV's Tax Services Department administers the tax on vehicle rentals.	Relocate to Subtitle I of Title 58.1 (in new statutory sections numbered 58.1-1734 et seq.) those provisions of the Virginia Motor Vehicle Sales and Use Tax regarding the rental tax on motor vehicles, and assign to the Department of Taxation responsibility for administering the tax.	<u>Improve efficiency:</u> Unlike the fuels tax and the sales and use tax on vehicles, there is no nexus between the rental tax and DMV's other operations. The Department of Taxation should be able to administer this tax more efficiently. <u>Note:</u> It appears that the transfer of administrative authority would require legislation. The General Assembly has expressly assigned responsibility for the tax to DMV. Although the powers of the Commissioner delineated in § 46.2-222 include entering into agreements "necessary or incidental to the performance of the Department's duties and the execution of its powers," it is unlikely that the wholesale transfer of duties and powers could be accomplished through a MOU.
50.Idea Title: Dept. of Housing; mobile homes Vehicle	§§ 36.85-16, 46.2-100, 653, 46.2-1533, 1534, 1910, 1915, and 1935, 58.1-2401,2402 (1&2)	Mobile/manufactured homes/offices are titled and once the wheels have been removed, they become real estate. It is the owner's responsibility to surrender the title to DMV. In many cases this does not occur which causes problems for mortgage companies at foreclosure or upon sale of the property. The Dept. of Housing and Community Development oversees the sale of mobile homes. SUT-homes 2% and offices 3%. Revenues from SUT do not go to Transportation, but are dispersed to cities/counties where the home will be situated as a dwelling. DMV also collects for DHCD, \$10 fee on new homes sold. This fee is not collected on used homes.	Amend the Code to eliminate the requirement to title a mobile home with DMV. This recommendation was previously discussed with the DHCD and they were supportive.	<u>Improve efficiency:</u> Simplifies the process for the customer. <u>Raise revenue:</u> Assures localities of receiving real estate taxes. (Since these homes/offices are not registered, after a period of time they are purged from DMV records and are not forwarded to Commissioners of Revenue for taxing.) (Regarding "windfall" revenues for the agency from taxed homes taken outside Virginia, Jeff notes that the current balance in the Mobile Home Fund is only \$1.8 million and payments are pending for release. In addition, the balance is being tapped for \$500,000 to help the General Fund. For this reason,

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				<p>this balance is insufficient to be a "windfall" for DMV.)</p> <p><u>Reduce costs:</u> Would save agency an estimated \$97,300/year in credit card transaction fees and DMV Select contractual fees.</p>
<p>51. Idea Title: Certified mailings</p> <p>Driver/Vehicle</p>	<p>§§ 46.2-320, 46.2-355.1, 46.2-416, 46.2-501, 46.2-2011.26, 46.2-2136</p>	<p>Examine possibility of eliminating statutory requirement to send notices of suspension/revocation (driver, vehicle and motor carrier) and mandatory DI clinic attendance by certified mail. Refer to process used by Department of Social Services for mailing child support notices reportedly by regular 1st class mail.</p>	<p>Amend the Code so that such notices may be sent by 1st class mail. Further amend the Code to specify that mailing to the last known address of record shall constitute adequate notice of suspension/revocation, etc.</p>	<p><u>Cost Savings:</u> In CY 2009, DMV mailed 172,232 DL & DI clinic suspension and revocation notices and 8,178 motor carrier suspension and revocation notices by certified mail rate of \$4.34 each for a total cost of \$747,487. If mailed at 1st class rate of \$0.38 each, the costs would have been \$65,448. Mailing by 1st class would have saved \$682,039.</p>
<p>52. Idea Title: Vehicle registration; decals</p> <p>Vehicle</p>	<p>§§ 46.2-221.4, 370, 411, 416, 417, 607, 609, 611-615, 647, 649.1:1, 663-680, 688, 692, 709, 712-714, 718, 722, 727, 730, 732, 736.2, 746.3, 749.5, 1000, 1052, 1074, 1548, 1949, 1992.41, and 1993.41</p>	<p>Month and year registration decals are issued to all passenger vehicles. The following plates are considered "permanent" and don't require decals: trailers and semitrailers (regardless of weight); trucks and tractor trucks (GVWR or GCWR of more than 26,000 lbs.; taxicabs and common carrier vehicles operated for hire, for trucks and tractor trucks with GVWR or GCWR of at least 7,501 lbs but not more than 26,000 lbs (provided the vehicles are for business use only); and for farm vehicles registered pursuant to § 46.2-698.</p>	<p>Amend all applicable sections of the Code to remove any reference to "decals". This would bring consistency among all plates. Currently there are no-decal plates issued.</p> <p>New Jersey eliminated license plate decals for passenger vehicles (but not motorcycles and trucks) effective 10/1/04. This move was supported by state and local law enforcement.</p>	<p><u>Improve efficiency:</u> Would eliminate all functions associated with inventory of decals for CSCs, HQ, selects, on-line vendors, on-line dealers, etc.</p> <p><u>Promote business in Virginia:</u> Would simplify renewal of fleets for fleet customers.</p> <p><u>Reduce costs:</u> Not having to print decals, and using regular paper rather than special stock for registration cards, would result in an annual savings of up to \$700,000. Although DMV would be willing to retain a decal on one plate, this would not change the current paper requirements for the registration card, and would reduce the agency's annual savings to \$250,000.</p> <p>Many law enforcement agencies are using plate readers which allow them to access up-to-date plate info. If necessary, DMV would be willing to</p>

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				give some of its cost savings to help law enforcement get plate readers. DMV believes there may be grant funds available for this purpose, however.
<p>53. Idea Title: Charge \$5 service fee for any in-person DL or ID card renewal, if the transaction can be conducted by mail, telephone or electronic means.</p> <p>Driver</p>	<p>§§ 46.2-332, 46.2-333.1</p> <p>Reference also § 46.2-214.3 (vehicle renewal surcharge)</p>	<p>There is currently no incentive for customers to renew a DL or ID card online, by mail or telephone.</p>	<p>Impose a \$5 service fee for any DL/ID card renewal conducted in a CSC, which could have been conducted by not-in-person means.</p>	<p>This proposal would mirror the \$5 in-person vehicle renewal service fee authorized by passage of SB 116 in 2008. Although DMV was able to get legislative support for the current \$5 fee, it was not without controversy and reopening the discussion may pose its own challenges.</p> <p><u>Improve efficiency:</u> By completing their transactions online, customers get benefit of conducting transactions at their convenience, without having to wait in line at a CSC, and avoid the \$5 fee. In addition, DMV is able to use its limited resources to focus on customers who require face to face service.</p> <p><u>Raise Revenue:</u> DMV currently has a \$5 fee for in person renewals of vehicle registrations. The fee is designed to promote more cost effective ways of doing business with DMV. The fee has worked, evidenced by a 57% increase in internet usage in the first year. DMV estimates that a similar fee for licenses and ID cards would raise revenue by \$1.8 million.</p>
<p>54. Idea Title: Motor Vehicle Dealer Board; regulate all motor vehicle dealers</p> <p>Dealer</p>	<p>Title 46.2:</p> <p>Chapter 18 (T&M)</p> <p>Chapter 19.1 (trailer)</p> <p>Chapter 19.2 (motorcycle)</p>	<p>DMV licenses/regulates T&M, trailer, motorcycle dealers. The MVDB licenses/regulates new and independent dealers.</p> <p>Approximately 500 dealers are currently dual-licensed – licensed by both DMV and the Dealer Board. These dual-</p>	<p>Amend the Code so that T&M, trailer and motorcycle dealers are licensed/regulated by one entity—the MVDB. Processes are the same in many cases and could be done more efficiently by one agency than two. The Code amendments should also</p>	<p><u>Improve efficiency:</u> Brings the licensing and oversight of vehicle dealers under one umbrella. The requirements for licensing/oversight are essentially the same.</p> <p>A concern expressed about this in the past as been that VADA does not want</p>

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		licensed dealers by agreement are already served by the Motor Vehicle Dealer Board.	include provisions for the Dealer Board to license and regulate foreign registrants who currently pay into the Motor Vehicle Transaction Recovery Fund. These are out-of-state dealers who wish to buy and sell vehicles at Virginia auctions. There are approximately 92 such foreign registrants.	other types of dealers sitting on the MVDB. This recommendation would not change the structure of the Board; however some additional adjustments will be made to accommodate these dealer types.
55. Idea Title: Debt Collection – Liquidated Damages and Fuels Tax Cost Recovery	§ 46.2-208 § 58.1-3 Title 46.2, Chapter 10, Article 17 DPPA (Fed Driver's Privacy Protection Act)	This process does not exist now.	Give the DMV Commissioner permissive authority to post a list of delinquent tax payers on its website. This authority is currently granted to commissioners of revenue, treasurers and tax commissioners. The list would be restricted to those with delinquent liquidated damages and/or fuels taxes. It could include the name and/or company and city or county of residence. Some county governments have seen increased collections though this method.	<u>Increased debt collection:</u> DMV would be taking steps to collect what is already owed to the Commonwealth.
56. Idea Title: Charge \$5 fee for in-person registration/renewal at DMV Selects that could have been accomplished by phone, by mail, or online. Cost Recovery	§ 46.2-214.3	Currently charge a \$5 fee for in-person registration/renewal at DMV Customer Service Centers that could have been accomplished by phone, by mail, or online. Fee is not charged if transaction is conducted in-person at a DMV Select.	Impose the fee on transactions in DMV Selects.	<u>Reduce costs:</u> Face-to-face transactions are more costly to agency, regardless of whether they are conducted at one of DMV's own CSCs or at a DMV Select. DMV bears much of the cost of providing service through its contracted agents (who retain a share of the fee income). Assessing the \$5 fee on registration/renewal transactions that could be accomplished by less costly means would ensure that those who generate additional costs pay the price for the services they receive. Some localities and for-profit entities may balk at this proposal, since it would

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				reduce the number of DMV transactions they handle, and thus would reduce the income they collect from fees.

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57. Idea Title: Employment of personnel and legal counsel	§ 62.1-132.7	<p>The Code gives the Virginia Port Authority the authority to “retain legal counsel, subject to approval of the Attorney General to represent the Authority in rate cases and all other hearings, controversies, or matters involving the interests of the Authority.</p> <p>This code also states the Authority has the right to ...”determine the duties and compensation of its employees, officers, agents, advisers and consultants, without the approval of any other agency or instrumentality”.</p>	Should be granted the ability to retain outside legal counsel for all legal services.	
58. Idea Title: Exemption from disposal of surplus property	§2.2-1124	“....The VPA shall establish procedures for the disposition of surplus equipment...”	Exemption due to specialized equipment and small resale market.	VPA is best suited to sell this unique equipment.
59. Idea Title: Forms of Accounts and Records; Annual Report	§ 62.1-139	<p>The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes. Such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by corporate enterprises. The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain the audited annual financial statements of the Authority for the year ending the preceding June 30.</p>	Have private CPA firm perform the annual audit of VPA's annual financial statement.	Considering the VPA is a competing business enterprise relief from the state auditor of public accounts provides a more business approach to the VPA. This audited financial report from a private CPA firm would be sent to the auditor of public accounts.
60. Idea Title: State	§ 10.1-1188	All state agencies, boards, authorities	Current code reads that each branch of	The majority of VPA projects are in an

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agencies to submit environmental impact reports on major projects		and commissions are any branch of the state government shall prepare and submit an environmental impact report to the Department on each major state project. "Major state project" means the acquisition of an interest in land for any state facility construction, or the construction of any facility or expansion of an existing facility which is hereafter undertaken by any state agency, board, commission, authority or any branch of state government, including state-supported institutions of higher learning, which costs \$500,000 or more. For the purposes of this chapter, authority shall not include any industrial development authority created pursuant to the provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the 1964 Acts of Assembly. Nor shall authority include any housing development or redevelopment authority established pursuant to state law. For the purposes of this chapter, branch of state government shall include any county, city or town of the Commonwealth only in connection with highway construction, reconstruction, or improvement projects affecting highways or roads undertaken by the county, city, or town on projects estimated to cost more than \$500,000.	the state government will report major projects over \$500,000. Suggest amount be raised to \$5,000,000.	excess of \$500,000. Something under this threshold is considered a minor project.
61. Idea Title: Amendment of:	Creation of § 58.1-439.29 and amendment of § 58.1-	"...Moneys in the Fund shall be made available to reimburse the general fund for providing tax credits under this	The incentive is estimated to be sufficient to influence those shippers whose distribution cost would be lower	Incentive increases international trade.

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
<p>Technology Initiative in Tobacco-Dependent Localities Fund.</p> <p>Creation of: International Trade Facility Tax Credit for growth in international trade through the Port of Virginia</p>	439.15	article, including redeeming tax credits pursuant to § 58.1-439.14 , and shall be used to reimburse the general fund for the administrative costs incurred by the Department of Taxation in implementing the provisions of this article....”	when a tax credit incentive for employment is factored into those cost. There are approximately 50,000 TEU's that could transition from other East Coast ports to the Ports of Virginia if a tax credit were implemented.	
<p>62. Idea Title: Creation of: International Trade Facility utilizing alternate transportation options other than trucks</p>	Creation of § 58.1-439.30	N/A		<p>This legislative proposal would provide a new statute creating a Virginia business tax credit for international trade facilities utilizing cargo container barge or rail shipment services rather than shipping the cargo container by truck on the highways in the Commonwealth of Virginia. A fifty dollar (\$50.00) tax credit for every import and export container shipped through the Port of Virginia by rail or barge rather than truck, resulting in a possible decrease of 100,000 trucks from the Commonwealth's Highways.</p>

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
63. Idea Title: Exemption from Department of Environmental Quality Air Regulations for the fumigation of certain cargoes	§10.1-1308	Permit issued by VDEQ	Provide exemption to marine terminals for permit requirement to fumigate international cargo.	This legislative exemption from the Virginia Department of Environmental Quality, Minor Air Source Permit requirements is requested for fumigation services that are required by the U.S. Department of Agriculture for export and import of certain goods through the Port of Virginia. Fumigation is required to prevent the spread of pests and invasive species in the United States.
64. Idea Title: Exemption from DGS on acquisition and disposal of Real property	§ 2.2-1149 § 2.2-1150	Must acquire and dispose of Real property through DGS.	Exemption requested to allow VPA to swiftly respond to market modifications.	VPA is best suited to determine their needs for expansion and reduction based upon market conditions.

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
65. Idea Title: MVDB Membership	§ 46.2-1503.C	Description. The Code Requires that the Commissioner of Agriculture and Consumer Services is a member of the MVDB.	Description. Allow the Commissioner of Agriculture and Consumer Services to appoint a designee to represent him/her on the MVDB	<u>Improve efficiency:</u> There are about 30 Agriculture and Industry Boards under VDACS. The VDACS Commissioner's first responsibility is to these Boards. As a result, over the years, this member of the MVDB has not been able to take an active role or even attend very many meetings. This proposal would take the pressure off of the VDACS Commissioner by allowing him/her to appoint a staff member from the Consumer Services Division.
66. Idea Title: Setting Fees	§ 46.2-1503.4 and 1519	Description. The Code establishes the maximum for most of the fees paid to the MVDB. Previously, the Office of the Attorney General determined that actual fees must be set by APA Regulations.	Description. Exempt the MVDB from the APA process for setting fees and allow the Board to set fees within the maximum as allowed under current law. Most other VA Boards and Commissions have the authority to set fees without promulgating regulations. Appropriations would still determine expenditures.	<u>Improve efficiency:</u> The APA process is designed to give the public an opportunity to participate in rule-making. As such, it is a lengthy and time consuming process. As a Special Fund agency that receives no General Fund dollars, setting fees should be an easier process so that the MVDB can better adjust its revenue stream to match operating and mandated activities. Also, this proposal would result in one less set of regulations. <u>Reduce costs:</u> Reduce staff resources used in developing regulations. <u>Raise revenue:</u> Will allow the Board to more accurately and in a more timely manner set fees to match budget.
67. Idea Title: Setting Fees and Cost Recovery	§ 46.2- 1529	Description. The MVDB processes large numbers of transactions such as reprinting lost certifications and licenses, transferring and printing a new license; reactivating and printing a new license and reinstating certificates that have been suspended because of a bond cancellation. These transactions	Description. Establish a maximum fee the MVDB may set for re-printing licenses and certificates; reinstating licenses and certificates that have been suspended; and for transferring and – re-activating salesperson's licenses. Fees would be set to recoup actual costs.	<u>Improve efficiency:</u> The MVDB envisions developing a WEB based system to allow dealers to perform routine transactions such as transferring and reactivating a license. Further, the MVDB envisions partnering with vendors to provide the gateway to such a WEB based service whereby the

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
		not only require staff time, but also, postage and materials costs.		<p>vendors would develop the systems and retain all or a portion of a fee paid by the dealers. Dealers who do not use a WEB based system would be charged a higher fee. The WEB based system would also allow dealers to complete these basic transactions instantaneously. Having the authority to charge a minimal fee for these services will facilitate establishing a WEB based system.</p> <p><u>Reduce costs:</u> Reduce staff resources used in conducting routine transactions, postage and materials.</p> <p><u>Raise revenue:</u> Will allow the Board to more accurately recover costs.</p>
68. Idea Title: Transaction recovery Fund – Technical Clarification	§ 46.2-1527.2 and 1527.5	Description. There is an inconsistency and ambiguity between these two <u>Code</u> sections. It is clear that a consumer making a claim against a dealer who has been in business more than three years, may collect a maximum of \$20,000 from the TRF. One interpretation of the existing <u>Code</u> is that a consumer filing a claim against a dealer in business under three years and therefore has a \$50,000 bond, could collect up to \$70,000.	Description. Clarify the inconsistency and ambiguity by making it clear that all claims against either the Bond or the Fund be limited to \$20,000. The Office of the Attorney General has recommended that the Board pursue this change in the law.	<u>Improve efficiency:</u> There is no logical reason why a claim against a dealer in business for three or fewer years could be subject to a \$70,000 claim and a dealer in business more than three years, \$20,000.

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
69. Idea Title: Transaction Recovery Fund – Revenue for Consumer Assistance	§ 46.2-1527.1	Description. Current law includes a statement that the TRF shall only be used to pay claims and the interest earned can be used for administering the Fund.	Description. Modify the <u>Code</u> to state the MVDB may authorize an amount not to exceed 10 percent in any fiscal year to be used to cover the administration of the Fund and consumer assistance staff.	<u>Reduce costs</u> : The TRF is a Fund designed to assist consumers. Allowing the Fund to help off-set the agency's consumer assistance efforts will strength the program and benefit consumers
70. Idea Title: Internet Access	§ 46.2-1510.4	Description. Current law requires all dealers to meet certain criteria including being "equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, and working utilities including electricity and provisions for space heating".	Description. Add "internet access and email address" to the list of requirements. Existing dealers would have one year to come into compliance.	<u>Improve efficiency</u> : Renewal notices and other types of communication could be done by email and the Dealer Board would be in a better position to encourage/require on-line transactions. <u>Reduce costs</u> : See Above..
71. Idea Title: Retention of Records – Technical Clarification	§ 46.2-1529 & 1530	Description. <u>Code</u> section 46.2-1529 states dealers must keep records for five years. The section includes a list of records that must be retained for 5 years. The list includes records regarding "vehicle purchases, sales, trades and transfers." Section 46.2-1530 states that the dealer must retain a copy of the Buyer's Order for 4 years	Description. Amend 46.2-1530 to state that the Buyer's Order must be retained for five years. Also, "safety inspection receipt" to the specific list of items to be retained.	<u>Improve efficiency</u> : Dealers likely currently retain Buyer's Orders for five years as it is part of the "deal file" and the other documents in the deal file must be retained for 5 years.

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72. Idea Title: Annual Report	§ 46.2-2806	Description. The Code requires that annual reports be submitted before November 1 of each year.	Description. Allow the BTRO to submit the report biennially.	<u>Improve efficiency:</u> The BTRO initially required a biennial report, and in 2009, it was changed to annually. As the Board's revenue and functions remain constant, this will improve the efficiency of the office, reduce staff resources, and reduce the costs associated with the distribution of the Report.
73. Idea Title: Powers with respect to hearings under this chapter.	§ 46.2-2807	Description. The Code establishes authority relative to hearings, including date, time, and location, the subpoenaing of witnesses, depositions for person outside of the Commonwealth for civil actions, payment of fees to witnesses, and the administration of oaths.	Description. Narrow down the authority of the BTRO with respect to the manner in which the Board can specifically act.	<u>Improve efficiency:</u> Constituents would be better served if the authority were more clearly defined. The BTRO would be able to easily and clearly determine cost factors associated with the conduct of hearings.
74. Idea Title: Licenses required	§ 46.2- 2812	Description. The Code establishes that it shall be unlawful for any person to engage in business in the Commonwealth as a towing and recovery operator without first obtaining a license as a Class A or Class B operators license, and establishes the penalty as a Class 1 misdemeanor.	Description. Establish the same requirement under this provision for a tow truck driver to ensure that only BTRO licensed drivers are driving tow trucks, and providing a penalty for non-compliance. Also offer some sort of review and credentialed oversight for those exempt from the statutory/regulatory provisions to ensure same.	<u>Improve continuity.</u> The BTRO currently has no reference in the Statute for a person driving a tow truck absent a license from the Board. The same is true for those persons or entities exempt from regulation. These changes will enhance compliance and offer the Board the ability to impose civil sanctions, up to \$1000 per incident, for convictions under this section for persons operating in contraction to the statute. <u>Increase revenue and help ensure compliance:</u> Will allow the BTRO to generate additional revenue by encouraging compliance.
75. Idea Title: Drivers to have tow truck driver authorization document.	§ 46.2-2814	Description. The Code establishes that the BTRO shall issue licenses to tow truck drivers who meet qualifications for a license, and provides for temporary	Description. Establishes that temporary tow truck driver authorization documents may be provided by statute versus regulation.	<u>Improve efficiency:</u> With the statutory provision, the BTRO does not have to expend resources to establish the process via the APA to create authority

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
		tow truck driver authorization documents by regulation.		for the issuance of temporary driver authorization.
76. Idea Title: Action on applications; hearing on denial	§ 46.2-2815	Description. The BTRO shall take action on applications for a Class A or Class B operator's license within 60 days of receipt...and any applicant denied a license shall....	Description. Remove Class A and Class B operator so that <u>all</u> applicants, including driver authorization document applicants, are included under this provision.	<u>Improve continuity:</u> This allows the BTRO to utilize this provision for all applicants, in lieu of Class A and Class B applicants.
77. Idea Title: Issuance, expiration, and renewal of licenses.	§ 46.2-2817.B.	Description. A license shall not be deemed to have expired if received within 30 days after expiration, and the license fee shall be 150% of the fees provided for in regulations.	Description. Replace language with the following: If a complete renewal application is received, 45 days or more prior to the expiration of the license, the license shall continue to be effective until such time as the Board has taken final action. Otherwise, the permit shall expire at the end of its term.	<u>Improve continuity:</u> This clarifies the terms and conditions for renewal purposes, and will encourage timely filing of renewal applications. <u>Improve efficiency:</u> This will allow staff resources to be focused more on renewals, and ensures that applicants who timely file will receive their licenses in a timely manner prior to expiration. While the BTRO will continue to process all applications expeditiously, this does not require the staff to extend additional resources to process an application not timely filed.
78. Idea Title: Prohibited acts.	§ 46.2-2820	Description. Establishes prohibited acts.	Description. Add a new No. 2 as follows: To engage in the towing and recovery of vehicles without holding a valid tow truck driver authorization document.	<u>Improve continuity:</u> This adds that tow truck drivers must have a proper valid authorization document, and mirrors the requirement to have an operator's license issued by the BTRO.
79. Idea Title: Report of conviction or injunction to BTRO; revocation or suspension of license or registration.	§ 46.2-2821	Description. It shall be the duty of any person who is convicted of any violation of this chapter or enjoined from unlawfully engaging in towing and recovery services to report same to the BTRO, and establishes the fine for such convictions.	Description. Add at the end of the paragraph that the Board fine shall not exceed \$1,000 <u>per conviction</u> .	<u>Improve continuity:</u> Clarifies that the civil penalty assessment shall not exceed \$1,000 per conviction for failure to report the conviction to the BTRO.
80. Idea Title: Examination.	§ 46.2-2822	Description. 3 rd PP – The examination shall include laws and regulations governing the towing and recovery of	Description. At the end of the 3 rd PP, add:	<u>Improve efficiency:</u> Allows the BTRO to conserve resources for persons not able to successfully complete the exam

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
		vehicles and the proper and safe means by which such may be offered to the public.	Examinations shall be passed within the first two attempts, and any third or subsequent examination shall occur no sooner than 30 days after the second attempt.	in the first two attempts. The 30-day wait period allows an applicant the opportunity to further evaluate their understanding of the laws and regulations governing towing and recovery in the Commonwealth.
81. Idea Title: Qualifications of applicants.	§ 46.2-2823	Description. 3 rd PP – An application for a license as an operator shall be in a form to be determined and approved by the BTRO. The BTRO shall set forth in regulations those requirements for application for a license as a Class A and Class B operator. The examination shall include laws and regulations governing the towing and recovery of vehicles and the proper and safe means by which such may be offered to the public.	Description. Revise as follows: An application for a license as an operator or driver shall be on a form prescribed by the Board. The Board shall set forth in statute those requirements for application for a Class A, Class B., or a Driver's Authorization Document.	<u>Improve efficiency:</u> Allows BTRO to set standards in statute and remove provisions in regulation that require the APA process to change. <u>Improve continuity:</u> By adding "driver", conforms to the Board's oversight of all applicants, not just Class A and Class B.
82. Idea Title: Reprimand, revocation, and suspension.	§ 46.2-2825	Description. Establishes criteria for the reprimand, revocation, or suspension of a license.	Description. Add the following to this section: <ul style="list-style-type: none"> • Failure to pay any BTRO imposed penalty. • Failure to provide a driver's authorization document when requested by law enforcement. • Failure to return a license requested or required by the Board. • Failure to place a BTRO issued decal visibly on the driver's side door for law enforcement purposes. 	<u>Improve efficiency:</u> By including these provisions, allows BTRO staff to handle current Board matters. This change also would reduce the number of calls related to questions on licensing by both the public and law enforcement, thereby reducing staff follow up time on these issues.
83. Idea Title: Suspension, revocation, and refusal to renew licenses or driver authorization documents; notice and hearing.	§ 46.2-2825.1	Description. Establishes criteria for the reprimand, revocation, or suspension of a license, and sets out the notice and hearing requirements.	Description. Add an exception to the provision that no license or driver authorization document issued under this chapter shall be suspended, denied or revoked absent a notice and hearing except as follows:	<u>Improve efficiency:</u> No license shall be issued by the BTRO if an applicant owes any money to the Board including civil penalty or other fees imposed by the Board.

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
			<ul style="list-style-type: none"> Failure to pay any civil penalties or fees imposed by or assessed by the Board. 	
84. Idea Title: Director Duties and Responsibilities Recurring in Budget Bill that should be incorporated in the VA Code	2009 Virginia Act of Assembly (Current Statue) Chapter 781, Item 40, Paragraph A	Description.	<p>Description. 1. Prepare general guidelines regarding aircraft acquisition and use. The guidelines shall include a requirement for state agencies that acquire aircraft to develop written policies on usage, charge rates, record keeping, maintenance, and safety systems to be approved by the Department. (to be added)</p> <p>2. The Director shall examine the aircraft needs of state agencies and determine the most efficient and effective method of organizing and managing the Commonwealth's aircraft operations. The Director shall implement the aircraft management system he determines to be most suitable and revise it periodically as the need arises.</p> <p>3. The Director shall periodically prepare an aircraft fleet analysis projecting the Commonwealth's aviation needs and prepare an asset replacement program that meets those needs and promulgates the safety of the fleet. (to be added)</p> <p>4. All requests for aviation support shall be forwarded to the Department for</p>	

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
			needs analysis, data collection, and providing the service or contracting to meet the Commonwealth's needs as efficiently as possible. (Currently in policy that should be incorporated into the Code of Virginia)	
85. Idea Title: Definition: "Unairworthy"	23VAC 10-220-5 23VAC 10-220-10.(A)(b)(Ex.3) 23VAC 10-220-20 (A)(2)(a) 23VAC 10-220-20 (A)(2)(a)(Ex.1) 630-11-1502 (B)(1)b)(Ex.3) 630-11-1503 (A)(2)(a)(Ex.1)	Current definition of aircraft: "...capable of untethered navigation or flight..." Current definition of aircraft: "When the kit is assembled, and qualifies as an aircraft, it is subject to the 2.0%..." Current definition of aircraft: "Under the regulated definition of "aircraft", the six month period referred to in this section begins only when a plane is capable of flight...." Current definition of aircraft: "...A purchased an inoperable wrecked plane..." and "The plane did not qualify as an aircraft in Virginia until capable of flight..." Current definition of aircraft: "...the kit does not meet he definition of an aircraft..." Current definition of aircraft: "...an inoperable wrecked plane..." and "...qualifies as an aircraft..."	Description. The term "unairworthy" is not found in the Code of Virginia Title 58.1 Taxation and 5.1 Aviation or the Virginia Administrative Code. The term "unairworthy" should be included in the Code with explicit clarification giving examples..	<u>Need for refinement and clarification</u> <u>Reduce costs:</u> Reduce staff resources used in compliance efforts.
86. Idea Title: Definition: "Aircraft" to include "by one or more persons"	Code of Virginia Title 58.1 Taxation	Description. ""The Tax Code § 58.1-1501 uses language that defines an aircraft to mean any contrivance used or designed for untethered navigation or	Description. Definition of "aircraft" needs to be expanded in the Code of Virginia Title 5.1 Aviation in conformity with the 58.1 Tax Code using the	<u>Create taxpayer equity through compliance.</u> <u>Improve efficiency:</u> <u>Reduce costs:</u> Reduce staff resources

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
		<p>flight in the air by one or more persons at an altitude greater than twenty-four inches above the ground.</p> <p>The Aviation Code 5.1 definition of aircraft does not include “by one or more persons”.</p>	phrase “by one or more persons”..	used in compliance efforts.

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
87. Idea Title: Definition: “based aircraft”	Code of Virginia Title 58.1 Taxation Code of Virginia Title 5.1 Aviation	Description. There is currently no definition for “based aircraft” included in either the Tax Code or the Aviation Code.	Description. Include a clear definition of “based aircraft” in the Code of Virginia Title 5.1 Aviation. Public Document 98-14 from the Tax Commissioner makes it clearer by stating; “If an aircraft operator/owner in the course of business or in the course of flying, leases, rents or owns a hanger, or tie down space at an airport in Virginia, it would indicate that they intended to “base” or operate in Virginia on more than an occasional basis. Thus, if a operator/owner operates an aircraft in Virginia on more than sixty occasions or days in a twelve month period and, in addition leases space for more than sixty days at an airport in Virginia, the aircraft is required to be licensed in Virginia.”	<u>Create taxpayer equity through compliance.</u> <u>Improve efficiency:</u> <u>Reduce costs:</u> Reduce staff resources used in compliance efforts.

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
88. Idea Title: Ambiguities between Codes regarding “required to be licensed” and “payment of sales tax”	Code of Virginia Title 58.1 Taxation	<p>Description. The Department of Taxation bases their decision on the application of Aircraft Sales and Use Tax according to the Department of Aviation’s determination of “required to be licensed” clause that is used repeatedly in the VA Tax Code and the VA Aviation Code.</p> <p>Department of Aviation’s license applications clearly state that “Confirmation of tax payment must be attached before License can be issued.”</p>	<p>Description. Licensing is a subsequent act to payment of the sales tax. Emphasis should be placed on “required to pay tax” rather than “required to be licensed”.</p> <p>Department of Aviation would like to conform with the Department of Taxation’s Code as correctly written in § 58.1-1506 <i>“...the tax on the sale or use of an aircraft required to be licensed by this Commonwealth shall be paid by the purchaser or user of such aircraft and collected by the Commissioner prior to the time the owner applies to the Department of Aviation for, and obtains, a license thereof.”</i></p>	<p><u>Create taxpayer equity through compliance.</u></p> <p><u>Improve efficiency:</u></p> <p><u>Reduce costs:</u> Reduce staff resources used in compliance efforts.</p>
89. Idea Title: Clarify Use Tax requirements for out-of state aircraft owners	Code of Virginia Title 58.1 Taxation	<p>Description. VA Code Title 58.1-1506 Time for payment of tax states, “...the tax on the sale or use of an aircraft required to be licensed by this Commonwealth shall be paid by the purchaser or user of such aircraft and collected by the Commissioner prior to the time the owner applies to the Department of Aviation for, and obtains, a license therefore.”</p> <p>The VA Code Title 58.1-1502 Taxation goes on to state, “...if the aircraft is licensed in the Commonwealth six months or more after its acquisition, the tax shall be two percent of the market value of such aircraft at the time it is licensed or two percent of the purchase</p>	<p>Description. The Code needs to be amended to explicitly state that out-of-state aircraft owners beginning liability date starts on the date the aircraft came into Virginia and not the date that the aircraft was “required to be licensed.” There are too many instances where owners apply for a license several months after they are required to do so.</p> <p>In addition, an out-of-state aircraft owner should <i>not</i> be given the option of using the current market value (at the time the aircraft is licensed), as a basis for the sales tax. But rather the current market value of the aircraft should be based on the date of usage (usage to mean the actual date the aircraft was</p>	<p><u>Improve efficiency:</u></p> <p><u>Reduce costs:</u> Reduce staff resources used in compliance efforts.</p>

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
		price thereof, whichever is lower.”	brought into Virginia)	
90. Idea Title: Define and clarify sales tax and licensing requirements for “Fractional Ownership”		<p>Description. Currently there is no written policy on the licensing and sales tax requirements for fractional ownership programs.</p> <p>New ruling not yet released by the Federal Aviation Administration.</p>	Description. New definition of “fractional ownership” should be included in Aviation Code, Title 5.1	<p><u>Create taxpayer equity through compliance.</u></p> <p><u>Improve efficiency:</u></p> <p><u>Reduce costs:</u> Reduce staff resources used in compliance efforts.</p>
91. Idea Title: Corporate Shelter		<p>Description. Currently there is no statute addressing corporate shelters.</p> <p>It is common to set up a subsidiary corporation or LLC to own and operate the aircraft. When a company sets up an LLC the assets (aircraft) are transferred to the LLC. Transfer of an asset is not considered to be a sale when substantially all (80% or more) the assets are moved. Also, the transfer of assets does not constitute a new sales transaction because the members of the LLC are the same as the individual or company.</p> <p>These LLC’s are being developed to avoid sales tax on the sales of aircraft. Instead of a potential aircraft buyer purchasing an aircraft outright from the LLC, the buyer will purchase the LLC which includes the assets. Thus avoiding a sales transaction of property and thus avoiding payment of sales tax.</p>	Description. The requirements should be included in both VA Codes 58.1 and 5.1	<p><u>Improve efficiency:</u></p> <p><u>Reduce costs:</u> Reduce staff resources used in compliance efforts.</p> <p><u>Raise revenue</u></p>

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
92. Idea Title: General Powers of the Commissioner	§ 33.1-13	Description: ...The Commonwealth Transportation Commissioner shall have the power to do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the roads embraced in the systems of state highways and to further the interest in the areas of public transportation, railways, seaports, and airports...	Description: Amend the “General Powers of the Commissioner” to make them modally neutral, such that the same authority and responsibility conferred upon the Commissioner related to roads applies to other modes of transportation.	The Commissioner’s powers are far broader in relation to roads than they are for other modes of transportation. More particularly, while the Commissioner’s authority with regard to roads extends to maintenance and preserving the efficient operation, no such authority is conferred on the Commissioner for public transportation among other modes. The Commissioner’s authority related to public transportation is simply to further the interests...which lacks the specificity present in relation to roads. This is one of numerous sections of the Code where the public transportation equivalent of road maintenance – transit operations and maintenance – is fashioned as being beyond the scope of the Commissioner. By defining the Commissioner’s powers in this fashion, the Code fails to assign the same importance to transit operations and maintenance as it does to roadway maintenance and the preservation of efficient operation of the roadway network.
93. Idea Title: Board to develop and update Statewide Transportation Plan	§ 33.1-23.03	Description: A. The CTB shall, with the assistance of the Office of Intermodal Planning and Investment, conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to §15.2-2223.3.	Description: Require that the plan be comprised of operating and maintenance outcomes in addition to projects. Also require that the plan account for all elements of local, district, regional, and modal plans so everything is accounted for, with assigned priorities so there is clarity about what will get done depending on total available resources. There should also be an explicit requirement that the statewide	The whole tenor of the statewide transportation plan as defined has an unmistakable capital (or physical) character by virtue of its references to projects. While there is clearly a need for a projects component to the plan, describing the plan as though it is merely a presentation of projects underpinned by goals, objectives, and priorities understates what this plan should be. The description also

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		<p>The assessment shall consider all modes of transportation. Such corridors shall be planned to include multimodal transportation improvements, and...</p> <p>B. The statewide transportation plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon, in accordance with federal transportation planning requirements. The plan shall include quantifiable measures and achievable goals relating to, but not limited to, congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit, air quality, movement of freight by rail, and per capita VMT. The Board shall consider such goals in evaluating and selecting transportation improvement projects for inclusion in the SYIP pursuant to §33.1012.</p> <p>C. The plan shall incorporate the approved long-range plans' measures and goals developed by the applicable regional organizations. Each such plan shall be summarized in a public document and made available to the general public upon presentation to the Governor and the GA.</p> <p>D. It is the intent of the GA that this plan assess transportation needs and assign priorities to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local, district, regional, or modal plans.</p>	<p>transportation plan contain a financial element with resources sufficient to achieve the goals enumerated in the plan. Because the provision of necessary additional financial resources is a matter for the Governor and the GA to resolve, the plan should have both constrained and unconstrained elements, where the unconstrained elements are driven by desired performance outcomes and the constrained element defines what will get done assuming particular resource constraints. Only by including both will the Commonwealth have a statewide transportation plan that serves two aims – defining what's needed resource wise, and laying out clear expectations about priorities where resources are insufficient to do everything.</p>	<p>declares that the plan's goals should be achievable, but by virtue of its silence on the issue of available resources, it sidesteps the linkage between available resources at the federal, state, and local levels and what can be achieved. Moreover, Section D of the description declares that the statewide plan is something more than an aggregation of local, district, regional, and modal plans, as if to suggest that elements of the local, district, regional and modal plans will be excluded from the statewide plan. The dilemma this poses is that there's no established venue for insuring that local, district, regional, and modal plans are compatible with the statewide plan, particularly in terms of assumed federal and state resources.</p>
94. Idea Title: Distribution of certain	§33.1-23.03:01	Description: MPOs as defined under Title 23 U.S.C. 134 and Section 8 of the	Description: A wholesale rewrite is necessary to clearly impart what federal	This appears to be the only place in the Code where MPOs are acknowledged,

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Subject	Statute	How Administered Today	Proposed Change	Justification for the Change
federal funds		Federal Transit Act shall be authorized to issue contracts for studies and to develop and approve transportation plans and improvement programs to the full extent permitted by federal law.	transportation law requires in terms of the interrelationship between the MPOs and the state's plans and programs, namely that MPOs are responsible for the development of transportation plans and programs for their metropolitan areas , which in turn govern how specified federal transportation funds can be invested by the state within the metropolitan area. Incorporating the pertinent language from Title 23 U.S.C. 134 and Section 8 of the Federal Transit Act, which explicitly describes the MPOs responsibilities and authority (including the need for state plans/programs to conform to the MPOs plans/programs with regard to the use of specified federal transportation funds slated for investment with the metropolitan area), would seem apt.	and the description says nothing whatsoever about the relationship between the MPO-authored plans/improvement programs and the state's transportation plans/programs. Since Title 23 U.S.C. 134 and Section 8 of the Federal Transit Act mandate that the state's transportation plans/programs conform to the MPOs plans/programs insofar as the use of specified federal transportation funds, this requirement should be memorialized in this section. Also, the title of this section fails to do justice to the content of the section.
95. Idea Title: Toll Facilities Revolving Account	§33.1-23.03:4	Description: This section of the Code establishes the existence of both a Toll Facilities Revolving Account (referred to as "the Account") and the Regional Toll Facilities Revolving Subaccount (referred to as the "Regional Account"), and it establishes permissible uses of the funds residing in these two accounts at the CTB's discretion.	Description: If the word "project" is a defined term and if the definition is too narrow to encompass services or operations as permissible uses, changing this language would be desirable to allow this.	There are repeated references to projects in the descriptions of permissible uses, and it is unclear whether the word project can be read to mean services or operations in addition to the more customary capital connotation of the word.
96. Idea Title: Concession Payments Account	§33.1-23.03:9	Description: A. Concession payments to the Commonwealth deposited into the TTF pursuant to subdivision 9 of §33.1-23.03:1 from qualifying transportation facilities developed and/or operated pursuant to the PPTA of 1995 shall be held in a separate subaccount to be designated the "Concession Payments	Description: If the word "project" is a defined term and if the definition is too narrow to encompass services or operations as permissible uses, changing this language would be desirable to allow this.	Again it is unclear whether the reference to "projects" in describing permissible uses of funds in the Account can be read to mean services or operations in addition to the more customary "capital" connotation of the word.

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		<p>Account,” hereinafter referred to as “the Account,” together with all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically directed by law or reserved by the Board for other purposes allowed by law.</p> <p>B. The Board may make allocations from the Account upon such terms and subject to such conditions as the Board deems appropriate, to:</p> <p>1. Pay or finance all or part of the costs of programs or projects, including without limitation, the costs of planning, operation, maintenance, and improvements incurred in the connection with the acquisition and construction of projects, provided that allocations from the Account shall be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the PPTA. The priorities of MPOs, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from money in the Account.</p>		
97. Idea Title: Statements to be filed with Board by transit systems	§33.1-223.1	Description: Any transit system defined in §15.2-4502 which conducts its operations within the exclusive jurisdiction of any county, city or town within the boundaries of any district as defined in §15.2-4502, and any jurisdiction contiguous thereto, shall file annually with the CTB such financial	Examine whether this section of the Code is still necessary and, if it is, examine why the reporting requirements as stated are confined to only transportation districts' transit systems.	Why would reporting requirements of this sort be confined to only transportation districts' transit systems? If reporting requirements of this sort are necessary for the CTB and DRPT to carry out their respective duties the reporting requirements should apply to all public transit systems irrespective of

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		and other statistical data as the CTB shall require in order to effectively administer the provisions of §46.2-206 and shall file with DRPT, at such times as DRPT shall require, such information as DRPT shall require to carry out its duties under subdivision 4 or §33.1-391.5.		how they are institutionally constituted. The possibility that this section of the Code might be anachronistic should also be examined.
98. Idea Title: Cooperative procurement	§2.2-4304	Description: Engineering and architectural services are currently excluded from cooperative procurement authorization.	Description: Eliminate the exclusion.	Exclusion of architectural and engineering services from cooperative procurement authorization is a stumbling block to exploiting opportunities for cost and time savings associated with the purchase of such services.
99. Idea Title: Retainage on construction contracts	§2.2-4333	Description: A. In any public contract for construction that provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least 95% of the earned sum when payment is due, with no more than 5% being retained to ensure faithful performance of the contract. All amount withheld may be included in the final payment. B. Any subcontract for a public project that provides for similar progress payments shall be subject to the provisions of this section.	Description: Amend code to allow the use of retainage provisions for all goods and services purchases as is currently permitted for construction contracts.	The Virginia Public Procurement Act does not permit retainage for projects other than construction projects, but the principle of retainage can be purposefully applied to purchases of goods and services other than construction.
100. Idea Title: Exemption from operation of chapter for certain transactions	§2.2-4343	Description: A. The provisions of this chapter shall not apply to... 10. Any county, city or town whose governing body has adopted, by ordinance or resolution alternative policies and procedures which are (i)	Description: Add transportation districts to the list of those qualifying for an exemption, subject to the same Code dictates as the present exemptions.	Transportation districts do not qualify for the "Virginia Public Procurement Act" exemption authorized for counties, cities, and towns, thus preventing them from exercising the same discretion to adopt alternative policies and procedures in accordance with the Code dictates.

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		<p>based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.</p> <p>This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of §2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.</p>		
101. Idea Title: Per Diem for Boards and Commissions	§ 2.2-2813 and §15.2-4500	<p>Description. ...§2.2-2813 provides that members of boards, commissions, committees, councils and other collegial bodies, who are appointed at the state level shall be compensated at the rate of \$50 per day, unless a different rate is specified by statute for such members. However, the GA members are entitled to receive \$200 per day. The board of the NVTC consists of both GA members and local elected officials, so some board members receive \$200 per day and other receive \$50 per day.</p>	<p>Description: Amend §15.2-4500 <u>et seq.</u> to give the NVTC (and possibly other boards and commissions with both state and local elected officials as board members) the discretion to choose to provide local elected officials per diem payments equal to those provided to state elected officials.</p>	<p>Because the Code requires per diem payments of \$200 for NVTC commissioners who are members of the GA and per diem payments no greater than \$50 for NVTC's locally elected officials, this disparity is a source of frustration for board members that can interfere with the NVTC's role as a forum for coordinating public transit services among jurisdictions and identifying and resolving gaps and conflicts in transportation policy. The duties and responsibilities of NVTC's state and local elected officials serving</p>

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				<p>as board members are the same but their compensation is mandated to be different.</p> <p>There is no financial impact on the Commonwealth's budget from the proposed code change because the NVTC's own budget would cover any increased per diem payments. The change would result in improved equity among NVTC's board members (all of whom are elected officials with the exception of the Director of DRPT who does not receive per diem payments). The change would also contribute to improved board member cooperation and a more efficient policy-making process. Given NVTC's important role in coordinating transit services and policies the entire Northern Virginia region should gain at no cost to the Commonwealth.</p>
102. Idea Title: Rail Advisory Board	§33.1-391.3:1	<p>Description:</p> <p>The Board shall have the following responsibilities:</p> <ol style="list-style-type: none"> 1. In consultation with, and with the assistance of the Director, the Board shall develop recommendations to be presented to the Commonwealth Transportation Board regarding all proposed allocations of funds from the Rail Enhancement Fund. 2. The Board shall work cooperatively with the Director of the Department of Rail and Public Transportation and with any affected railroad in identifying, 	<p>Description: Revamp the Rail Advisory Board to give it greater authority to develop and prioritize projects in partnership with DRPT and in formulating the State Rail Plan.</p>	

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		<p>developing, and advocating projects and policies to enhance the quality and utility to the public of rail transportation in the Commonwealth.</p> <p>3. At the request of the Director, the Board shall consider and advise the Director and the Department on any other matter or matters pertaining to transportation in the Commonwealth.</p>		

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103. Idea Title: Rail Enhancement Fund	§33.1-221.1:1.1	<p>Description:</p> <p>D. Projects undertaken pursuant to this section shall be limited to those the Commonwealth Transportation Board shall have determined will result in public benefits to the Commonwealth or to a region of the Commonwealth that are equal to or greater than the investment of funds under this section. Such public benefits shall include, but not be limited to, the impact of the project on traffic congestion, environmental quality, and whenever possible, give due consideration to passenger rail capacity on corridors identified by the Commonwealth Transportation Board that have existing or proposed passenger rail service. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, or a local government source, or a combination of such sources.</p>	<p>Description: Allow 30% match requirement for funding projects under the Rail Enhancement Fund to be reduced or waived when the Director of DRPT/CTB find this to be in the public interest and allow use of REF funds to provide local match for federal funds. Also, allow CTB to leverage REF funds to issue bonds for rail projects.</p>	
104. Idea Title: General powers and duties of the Board	§33.1-12(9)(b) and §33.1-23.03	<p>Description:</p> <p>(b) To coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and to set aside funds as provided in § 33.1-23.03:1. To allocate funds for these needs pursuant to §§ 33.1-23.1 and 58.1-638, the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official Transportation Trust Fund revenue</p>	<p>Require that the complete range of reasonable transportation alternatives, including rail and transit options, be evaluated for all major highway construction and reconstruction projects and that decisions give preference to alternatives to new road construction.</p>	

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		<p>forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.</p> <p>A. The Commonwealth Transportation Board shall, with the assistance of the Office of Intermodal Planning and Investment, conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1. The assessment shall consider all modes of transportation. Such corridors shall be planned to include multimodal transportation improvements, and the plan shall consider corridor location in planning for any major transportation infrastructure, including environmental impacts and the comprehensive land use plan of the locality in which the corridor is planned. In the designation of such corridors, the Commonwealth Transportation Board shall not be constrained by local, district, regional, or modal plans.</p>		
105. Idea Title: SYIP to demonstrate progress	§33.1-23.1	<p>Description:</p> <p>A. The Commonwealth Transportation Board shall, with the assistance of the Office of Intermodal Planning and Investment, conduct a comprehensive review of statewide transportation needs in a Statewide Transportation</p>	Require the six year plan to emphasize road and bridge repair and to demonstrate annual progress towards meeting goals to repair deficient roads and bridges.	

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		Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1 . The assessment shall consider all modes of transportation. Such corridors shall be planned to include multimodal transportation improvements, and the plan shall consider corridor location in planning for any major transportation infrastructure, including environmental impacts and the comprehensive land use plan of the locality in which the corridor is planned. In the designation of such corridors, the Commonwealth Transportation Board shall not be constrained by local, district, regional, or modal plans.		
106. Idea Title: Intermodal Planning and Investment Office	§2.2-229	The Office of Intermodal Planning and Investment (part of the Secretary's office) is charged with leading multimodal planning responsibilities for the Commonwealth.	Repeal the Office of Intermodal Planning and Investment and replace it with a surface transportation planning team comprised of representatives of all modes of transportation in the Commonwealth. The SOT should designate team members to carry out the responsibilities of the Intermodal Planning and Investment Office. DRPT and VDOT should lead the team consisting of representatives of all modes and agencies. 2. Adequately resource the team to carry out these functions by transferring a portion of planning funds currently directed to VDOT.	The Intermodal Planning and Investment Office is now housed and staffed within VDOT. This agency does not have the multimodal vision, history or staff experience to plan and coordinate different modal transportation investments for maximum impact. Properly resourcing the team will better enable the Commonwealth to achieve quantifiable results in multimodal planning.

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107. Idea Title: contracts for public bodies other than the Commonwealth	§2.2-4308	Description: §2.2-4308 requires public bodies other than the Commonwealth to follow certain procedures before using the design-build method of project delivery. §2.2-4306, however, provides general design-build authority for the Commonwealth.	Grant all public bodies the same design-build authority granted under §2.2-4306.	To be most effective, design-build is considered as a procurement option in the early phases of project planning. For agencies like Hampton Roads Transit, it is important to have all project delivery options available throughout project development. Making this change would clean up procurement issues and make it easier to evaluate project delivery methods with more certainty.

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108. Idea Title: Transit Responsibility	New Section	Local commuter rail controlled by operating authorities.	The Commonwealth should consider assuming ownership and operation of commuter rail services which span different regions.	
109. Idea Title: Improve Transportation and Land Use Reviews	§15.2-2222.1	VDOT reviews local government comprehensive plans/plan amendments and traffic impact analyses for certain rezoning applications, site plans and subdivision plats.	Determine whether or not DRPT can assist with reviews without a change to the Code. If so, provide DRPT with resources and direct DRPT and VDOT to work together on reviewing plans, plan amendments and traffic impact analyses.	Improve land use reviews: VDOT is relying on highway planners to evaluate proposals, which in many instances include or should include a transit oriented component. VDOT comments may also be in conflict with maximizing transit investments. DRPT can bring in transit oriented development planning expertise and work with VDOT on comments that maximize road and transit assets.
110. Idea Title: Improve Teleworking Statewide	§33.1-391.5 §2.2-203.1 §2.2-225.1	Policy making, technical assistance and advocacy responsibilities for telework and alternative work schedules are shared between multiple state agencies.	Modify DRPT's responsibilities to recognize DRPT as the lead agency for telework and alternative work schedules. Move lead policy making responsibility from DHRM to DRPT (retain coordination with DHRM). Move telework promotion and reporting responsibilities from OTPBA to DRPT. This will establish a lead agency that is accountable and responsible for implementing policies, developing programs and achieving results. DRPT has done this in the private sector through its Telework!VA program; 8-1 return on investment.	Improve Telework Results Statewide: Lack of a lead agency is causing limited accountability for meeting General Assembly established goals and overall results. There is also significant overlap – example: Office of Telework Promotion and Broadband Assistance (OTPBA) reports DRPT's program results and survey data. DRPT has a proven track record of delivering results. Providing DRPT with the responsibility and resources will streamline the approach (single resource for public and private) and change the focus on results instead of status reporting. (See attached white paper on telework)
111. Idea Title: Improve Human Service Coordination	§33.1-391.5	Eight state agencies have some level of responsibility for administering Human Service Transportation programs. Through an MOU signed by previous	Modify DRPT's responsibilities to recognize DRPT as the lead agency for human service transportation coordination. Make DRPT the lead	Improve Human Service Coordination: This will formalize the coordination work going on for the last seven years, improve accountability and encourage

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		Secretaries of Transportation and Human Services, DRPT is the lead of an Interagency Coordinated Transportation Council. The goal is to eliminate duplication and improve transportation coordination.	policy making, technical assistance/training and reporting agency (in coordination with the other seven).	all agencies to work toward better measurable results, instead of routine coordination meetings.
112. Idea Title: Construction by Counties	§33.1-75.1 and 33.1-75.3	<p>The CTB shall make an equivalent matching allocation to any county for designations by the governing body of up to \$500,000 in county general funds for use by the CTB to construct maintain or improve the primary and secondary road systems within such county.</p> <p>...the governing body of any county may expend general revenues or revenues derived from the sale of bonds for the purpose of constructing or improving highways...which either have been or may be taken into the primary or secondary system of state highways</p>	Create a checklist system whereby the county verifies compliance rather than VDOT staff review.	VDOT maintains too much control over the engineering, acquisition, environmental, and ROW aspects of county projects.
113. Idea Title: General Powers of the Board	§33.1-12 (15)	CTB may prevent the erection of outdoor movie screens visible from the highway and it may require that the entrances and exits are not are far enough from the highway to not cause congestion and are sufficiently lighted and marked.	Repeal	Outdated Code section. Outdoor theatres are rarely constructed anymore, and any new ones would likely be in rural areas where they would not pose a hazard.
114. Idea Title: Employees as Policemen	§33.1-21	In order properly to enforce such rules and regulations, and additions and amendments thereto, the Board may designate and appoint any or all of the employees of the Board, special policemen, with the powers of a sheriff, for the purpose aforesaid.	Repeal	Outdated Code section. Highway laws enforced by State Police, DMV, and local jurisdictions.

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115. Idea Title: Marine Museums	§33.1-220	Chapter 425 of the Acts of 1930, approved March 25, 1930, codified as § 1969(1) of Michie Code 1942, authorizing the Board to cooperate with the person who may establish a marine museum in some county in this Commonwealth adjoining a city located on navigable water, with a population of 30,000 or more, is continued in effect.	Repeal	Outdated Code section.
116. Idea Title: Turnpikes	§33.1-296 – 318	Article 6 deals with establishing turnpikes and the regulations regarding turnpikes and bonding authority.	Repeal	Outdated Code section. Any projects that would likely fall under these statutes would primarily be implemented through a PPTA.
117. Idea Title: Fairfax Bond Authority	§33.1-330	The sale of such bonds, deposit of proceeds, security for deposits, provisions for sinking funds and expenses of authorization and issuance shall be in accordance with the provisions of general law except that the taxes for the payment of such bonds, principal and interest, shall be uniformly levied throughout the county. The refunding bonds may be issued at any time within three years prior to the date of maturity	Remove the requirement that bonds be repaid within 3 years.	The three year limitation on repayment limits a county's ability to issue bonds to nominal amounts. Removing the restriction will enable the County to issue larger dollar amounts of bonds.
118. Idea Title: Corrotoman Ferry	§33.1-247	The Circuit Court for the County of Lancaster may hold the contract to operate a ferry across the Corrotoman River and the county may issue debt to support the operations. The ferry is currently operated as the Merry Point Ferry by VDOT free of charge.	Repeal	Current budgetary circumstances do not merit the operation of a free ferry serving so few citizens.
119. Idea Title: Highway Contractors Association definition	§33.1-336	Defines a highway contractors association.	Repeal	Outdated Code section. Highway contractors associations have become a normal part of the construction industry. A codified definition is no

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				longer necessary.
120. Idea Title: I-66 Economic Development Program	§33.1-221.1:4 and 33.1-221.1:6	This is a special transportation program to provide for the costs of providing an adequate, modern, safe and efficient transportation network in the Northern Virginia Transportation District which shall be known as the Interstate 66 Economic Development Program (the Program), including, without limitation, environmental and engineering studies, design, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. Funds are appropriated to the I-66 Economic Development Program Fund. Any excess funds in a given fiscal year are reverted to the TTF.	Repeal and dedicated any funding to the TTF.	The program was created in response to a specific economic development project along the I-66 corridor that did not materialize. Any funds that could be allocated for future projects would be better used funding transportation projects in the Commonwealth.
121. Idea Title: Construction Districts/CTB Membership	§33.1-2	Currently, there are nine construction districts. One member is appointed to the board from the Bristol District, the Salem District, the Lynchburg District, the Staunton District, the Culpepper District, the Fredericksburg District, the Richmond District, the Hampton Roads District, and the Northern Virginia District. Of the five at large appointments, at least two shall reside in MPO districts, and at least two shall reside outside of MPO districts.	Consolidate the number of districts to either five or seven, and redraw the boundaries as needed. Appoint one member from each district, with the rest to be appointed at large by the Governor. Of the at large members, at least one shall represent the rail industry, at least one shall represent the port industry, at least one shall represent public transit, and at least one shall represent aviation.	Consolidating construction districts will create enhanced efficiencies and streamline operations leading to greater cost savings.
122. Idea Title: Correct conflicting motor vehicle sales and use tax exemption provisions	§58.1-2402 and -2403	As a result of a Virginia Trucking Task Force recommendation, legislation was enacted (effective July 1, 1997) that exempts all trucks, tractors and trailers with a manufacturer's gross vehicle weight rating or gross vehicle combination weight rating greater than	Modify §58.1-2402 (A) to conform the exemption language in §58.1-2403 (23).	Improve Efficiency: This amendment will clarify the provisions of the Code. It will also prevent the continued loss of sales and use tax revenue which was not replaced by a corresponding registration or other fee increases for buses.

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		26,000 pounds from the motor vehicle sales and use tax. This legislation brought Virginia's sales and use tax on heavy duty vehicles in line with those of neighboring states and made Virginia more attractive to the trucking industry for purposes of titling and registering their vehicles. To offset the revenue impact of this change, these vehicles were subjected to higher vehicle registration fees and increased liquidated damages associated with overweight vehicle violations. Although the intent of the legislation was not to extend this exemption to buses, a legislative drafting error resulted in conflicting statutes which granted the exemption to buses. DMV historically did not extend the heavy truck, tractor, trailer exemption to buses; however, this policy was changed in the last year as a result of a challenge to our position.		
123. Idea Title: Exemption of farm machinery from weight limitations; Motor Carrier	§46.2-1102	<p>Provides that the vehicle size limitations contained in Articles 14 through 17 of Chapter 10 of Title 46.2 shall not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business.</p> <p>DMV has always construed this provision as exempting farm machinery from statutory weight limitations – i.e.</p>	Amend the statute to clarify that it exempts farm machinery (along with agricultural multipurpose drying units and fire-fighting equipment) from both size and weight limitations.	Promote business in Virginia: The clarification will benefit Virginia's farmers.

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		from the provisions of Article 17 – as well as from size limitations. However, VSP and OCA have recently interpreted the law to grant an exemption only from size limitations.		
124. Idea Title: License plate exchange fees	§46.2-607, -692, -725, and -726 or new legislation	<p>There are no Code provisions expressly pertaining to the exchange of license plates. If a vehicle owner has obtained a set of plates, but wishes to obtain a different set, DMV prorates the fee for the new set based on the number of months left on the customer's registration. The owner does not pay the base registration fee again, only the statutory fee for the plate. Proration is required under §46.2-694(B) and the prorated fee can be as little as 83 cents (1 month proration fee of a \$10 fee).</p> <p>Currently, statutory plate fees range from \$10 for personalized and many special plates to \$25 for revenue-sharing special license plates. No fee is charged if the exchange is made to obtain a standard-issue license plate.</p> <p>For license plates that are lost, mutilated, or illegible, DMV charges \$10 (\$5 for trailer plates) for replacement plates under §46.2-607 and 46.2-692. This fee and these plates would be unaffected by this proposal.</p>	Amend the Code to require a flat fee of \$10 for the exchange of license plates, as is charged for replacement plates. The addition of a flat fee for plate exchange will effectively remove plate exchanges from the proration requirement. No change needs to be made to that statute.	<p>Reduce Costs. The proposed fee would be used to cover the production of the new plates.</p> <p>Prevent Fraud: This proposal comes after the discovery of a man who repeatedly exchanged personalized license plates, at nominal fees, until he had enough plates to cover the outside back wall, windows and doors of his home. This fee will discourage frequent license plate exchanges.</p>
125. Idea Title: Establish one board to address all transportation issues in Virginia	§33.1-1, 5.1-2.1, 46.2-224; EO 45 (Warner)	Five boards oversee various aspects of transportation in the Commonwealth: The CTB, the Virginia Aviation Board, the Virginia Port Authority Board, the Motorcycle Council Advisory Board, and	Amend Code to establish a single board that will address all transportation issues in Virginia. It would comprise all of the existing transportation related boards, and include within its structure	Improve Efficiency: The proposal would streamline and consolidate governmental functions, enable better communications among existing boards and reduce fragmentation of

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		the Board of Transportation Safety. Each board addresses issues within its area of responsibility. In 2002m the Delegate Bob McDonnell sponsored legislation that established the Office of Intermodal Planning to coordinate transportation issues among the various boards, state agencies and localities and promote intermodal solutions.	committees and subcommittees dedicated to specific types or aspects of transportation issues as needed.	transportation oversight functions.
126. Idea Title: Harvest vehicles; exemption from registration	§46.2-668	<p>A vehicle registered in another state is exempt from registration in Virginia if it is engaged in the transportation of farm produce and meets certain other requirements. To obtain the exemption, the owner or lessee of the vehicle makes application through State Police, which in turn sends a form to DMV certifying the applicant's eligibility for the exemption.</p> <p>DMV has learned that some vehicles principally engaged in other activities – e.g. transportation of migrant workers – are carrying token quantities of farm produce in order to obtain the exemption.</p>	Amend the Code (i) to tighten the scope of the exemption by requiring harvest vehicles to be principally engaged in transporting farm produce from the farm, and (ii) to transfer to DMV full authority for administering the exemption.	<p>Improve Efficiency: Consolidate all aspects of administration in one agency.</p> <p>The proposed change would also foster compliance with the law and ensure payment of required fees.</p>
127. Idea Title: Northern Virginia Transportation group consolidation	§15.2-4829 – 4840 and 15.2-4501.1	<p>Currently there are three separate transportation groups in Northern Virginia carrying out similar tasks: the Northern Virginia Transportation Commission, the Potomac and Rappahannock Transportation Commission and the Northern Virginia Transportation Authority.</p> <p>The NVTA, PRTC and the NVTA are both tasked with developing a</p>	Consolidate these three organizations into one body to deal with Northern Virginia transportation issues.	Would create greater efficiencies and a more unified approach to transportation issues in Northern Virginia. It would also reduce the amount of time and money spent on staffs and legislators preparing for the meetings.

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		transportation plan in the Northern Virginia region. Both groups may construct, acquire, contract, etc. for transportation facilities and both groups may issue debt.		
128. Idea Title: Capital stock	§56-51.1	Turnpike or ferry commissions may donate entire capital stock to the Commonwealth Transportation Board	Repeal	Outdate code section.
129. Idea Title: Commonwealth Transportation Commissioner	§33.1-1, 33.1-3, etc.	The VDOT Commissioner's official title is Commonwealth Transportation Commissioner.	Amend the necessary Code sections to change the Commissioner's title to Commissioner of Highways.	The Commissioner's responsibilities are to construct and maintain the Commonwealth's roadways. Other agencies handle other modes of transportation.